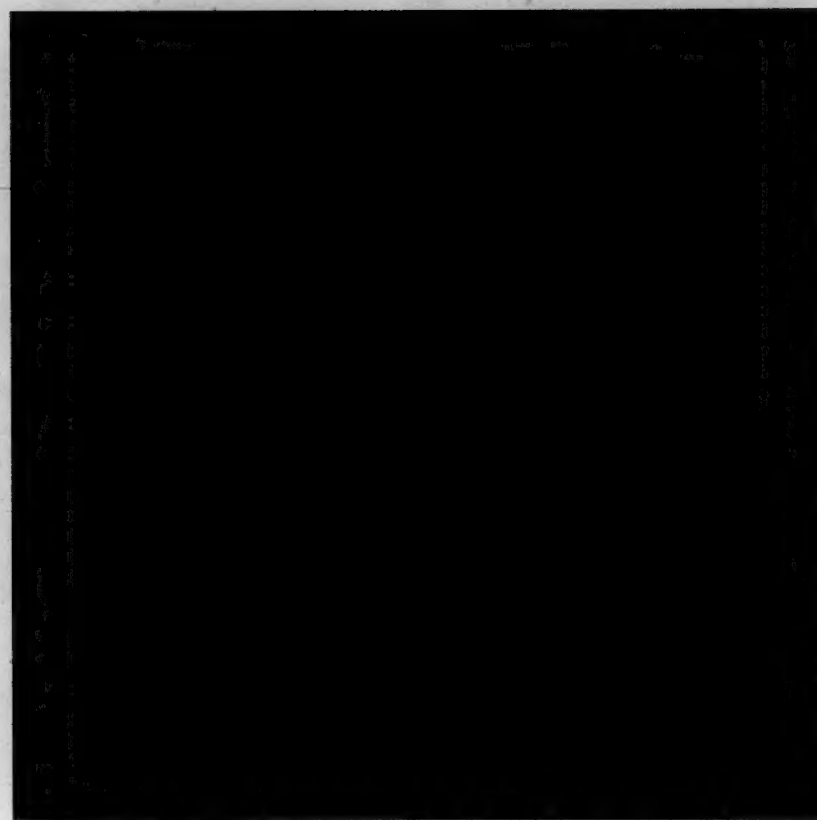
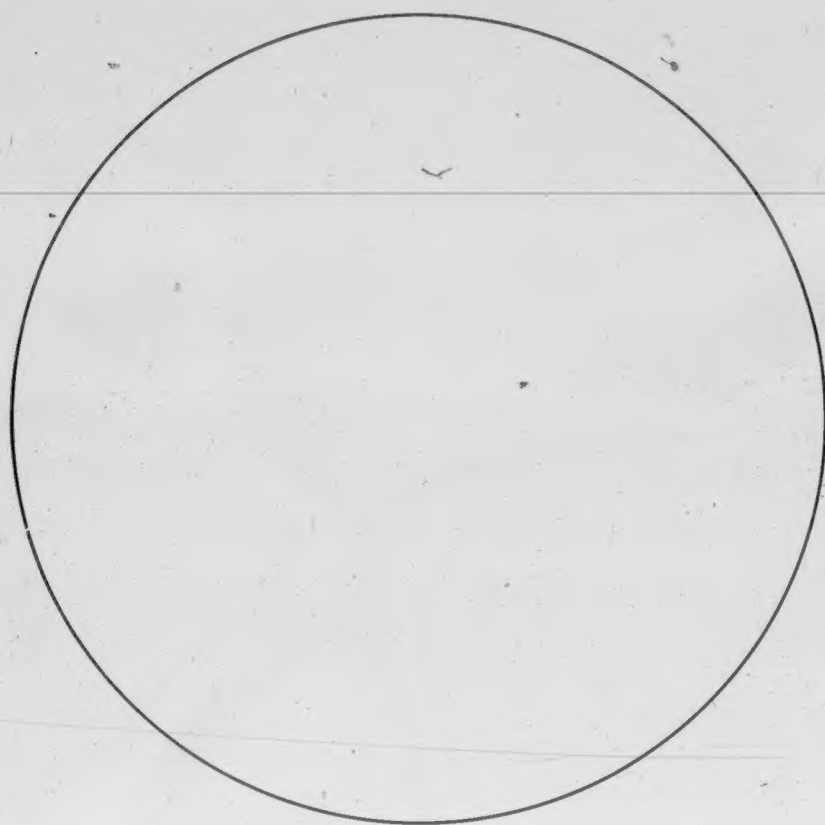
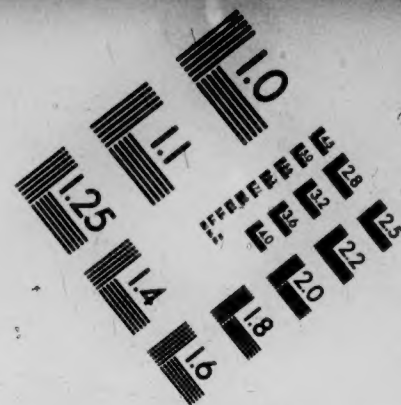
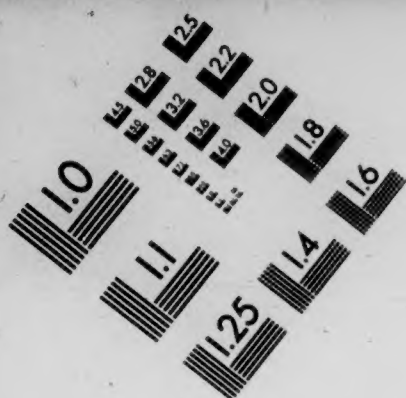


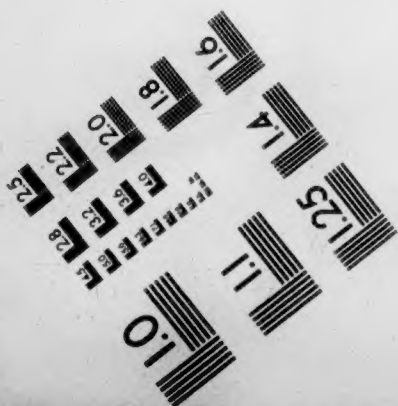
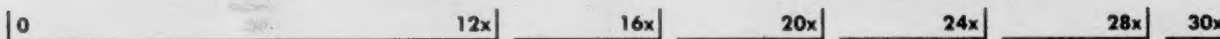


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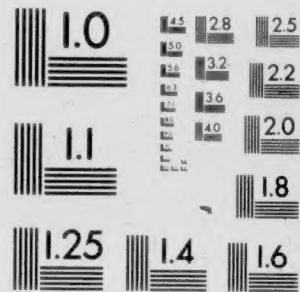
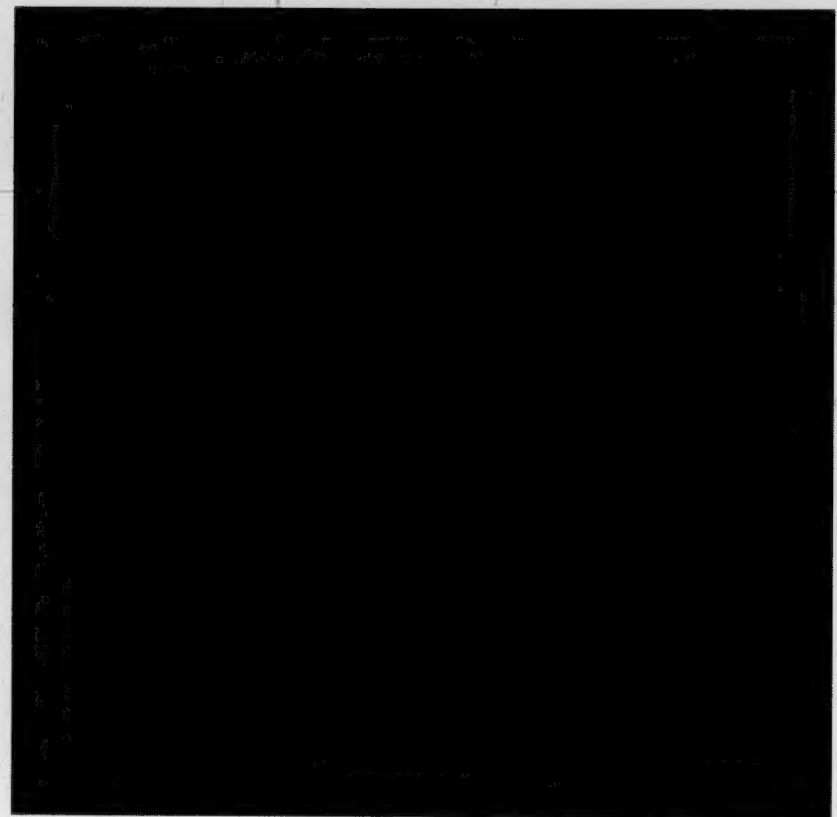
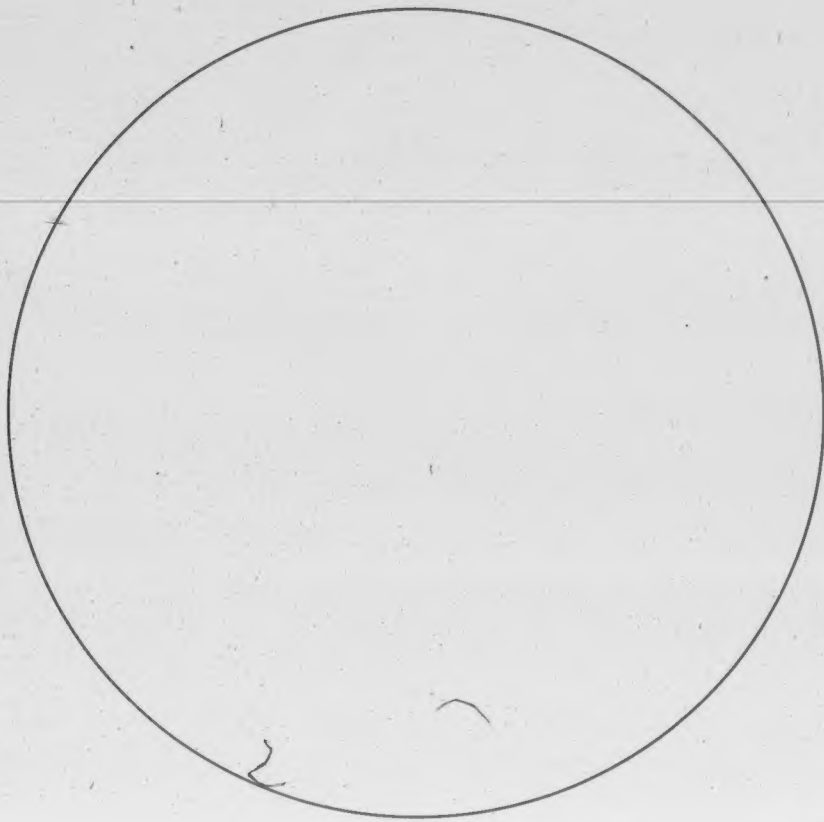
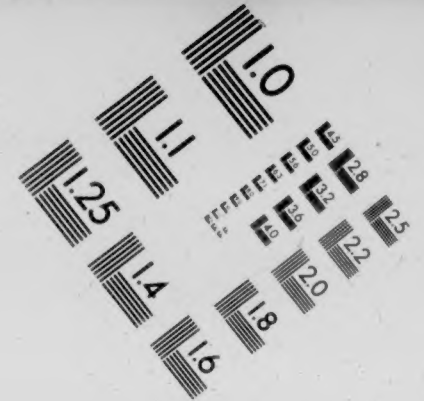
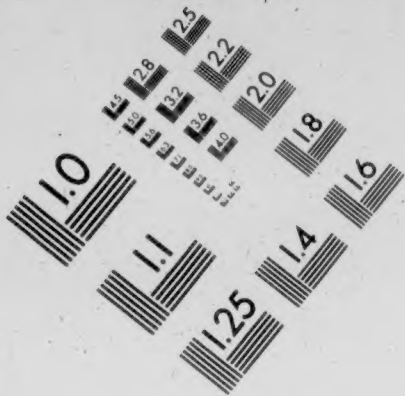
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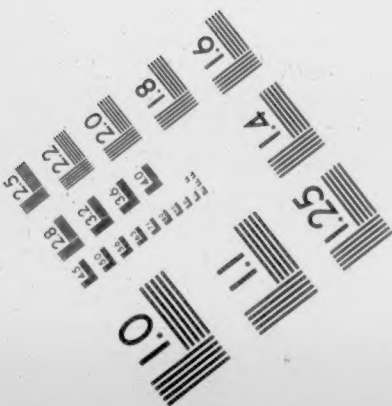
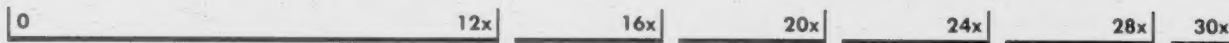
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 144

MISSISSIPPI CHOCTAW MCR 5205 - MCR 5290

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WASHINGTON: 1983

Choctaw MCR 5205

Cooksey Vaughn

MCR 5205

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

-oOo-

In the matter of the application for the identification of
Cooksey Vaughn, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Cooksey Vaughn, et al., as Missis-
sippi Choctaws, M.C.R. 5205.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Cooksey Vaughn, et al., as Mississippi Choctaws, M.C.R. 5205.

--: I N D E X :--

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| Original application for the identification of Cooksey Vaughn, et al., as Mississippi Choctaws----- | 1 |
| Decision of the Commission identifying Cooksey Vaughn as a Mississippi Choctaw----- | 6 |

-oOo-

5205

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Cooksey Vaughn for the identification of himself, his wife -----, and three minor children, -----, -----, and -----, as Mississippi Choctaws, represented by Adam Brokeshoulder.

Said Adam Broke shoulder, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
Q How old are you? A About seventy or seventy-one.
Q What's your postoffice address? A Toles, Kemper County, Mississippi.
Q How long have you lived in Kemper County? A All my life.
Q Are you acquainted with a Choctaw by the name of Cooksey Vaughn?
A Yes.
Q How long have you known him? A All his life.
Q How far do you live from him? A Three quarters of a mile.
Q Has he lived in Kemper County all his life? A He's been living there but he aint living there now.
Q Where does he live just now? A White's Store, Herbert Postoffice, near old Yazoo Village.
Q His postoffice, then, is Herbert, is it? A Yes.
Q How long has he been living up there? A This is the second year.
Q Until he moved up there he had lived here in Kemper all his life, had he? A Yes.
Q About how old a man is he? A About thirty.
Q Is he a full blood Choctaw? A Yes.
Q Is his father living? A No sir.
Q What was his name? A English name Jim Vaughn--Choctaw name Tah-bis.
Q Is his mother living? A Dead.
Q What was her name? A Cun-ne-me-tim-ah.
Q Did she have an English name? A No, I can't think of her English name.
Q Is Cooksey Vaughn a full brother of John Vaughn, about whom you have just testified? A Yes.
Q Is Cooksey married? A Yes.
Q Is his wife living? A Yes.
Q What's her name? A I don't know her name.
Q Is Cooksey living with his wife at this time? A Yes.
Q Is she a full blood Choctaw? A Yes.
Q About how old is she? A About as old as her husband.
Q How long have you known her? A Been knowing her ever since she was mighty near grown.
Q Has she lived in Mississippi all her life? A Yes.
Q Is her father living? A Dead long time.
Q What was his name? A Yo-ah-tam-bee.
Q Was he a full blood? A Yes.

Cooksey Vaughn et al--2

- Q Was he older or younger than you? A Older than me--little, not much.
- Q How long were you acquainted with him? A All our lives.
- Q Where did he live? A On Bogue Chitto.
- Q He lived in Mississippi all his life, did he? A Yes.
- Q Do you know the name of Yo-ah-tam-bee's father or mother? A Yes, I know his father.
- Q What was his name? A Ho-pah-ha-tubbee.
- Q Did Yo-ah-tam-bee ever have any brothers or sisters older than he? A I don't think he did.
- Q Do you know the name of Cooksey's wife's mother? A I know but I don't know her name.
- Q Is she living? A Dead long time.
- Q She was a full blood Choctaw, was she? A Yes.
- Q Do you know the names of her father and mother? A I don't know.
- Q So far as you know, all of Cooksey's wife's ancestors have always lived here in Mississippi, have they? A Yes.
- Q They have all been full blood Choctaws? A Yes.
- Q Have Cooksey and his wife any children living? A Three, I think.
- Q Do you know their names? A No.
- Q Do you know the names of any of them? A Never did hear the names of none of them. We never did visit one another. I know he's got three living.
- Q Is the oldest one a boy or girl? A Girl.
- Q About how old is she? A About five.
- Q Next one a boy or girl? A Girl, I think.
- Q About how old is she? A About three.
- Q Is the next one a boy or girl? A I don't know.
- Q About how old is it? A About six months old.
- Q These three children are living with them now, are they? A Yes.
- Q Have they any other children living with them? A No.
- Q No old folks living with them, have they? A No.
- Q Has any application of any kind ever been made to the Commission for Cooksey or his wife or any of these children to your knowledge? A No.

As to a compliance on the part of the ancestors of Cooksey Vaughn with the provisions of article 14 of the treaty of Dancing Rabbit Creek reference is hereby made to the testimony of Adam Brokeshoulder, given this date in support of the application of John Vaughn for identification as a Mississippi Choctaw.

- Q You appeared before the Commission at Meridian last May, did you not? A Yes.
- Q Do you know whether any of the ancestors of Cooksey Vaughn's wife 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 If they did, I don't know.
- Q Do you know whether any of them appeared before any of the Commissioners appointed under the acts of Congress approved between the years 1837 and 1842 and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Cooksey Vaughn et al---3

Q Do you know whether Ho-pa-ha-tubbee appeared before the Commissioners up there at old Yazoo Village in the forties? A Yes, Ho-pa-ha-tubbee was there.

Q Did you see him there? A Yes.

Q Did you see him go in and give in his name to the Commissioners? A Yes.

Q Where was Ho-pa-ha-tubbee living when these Commissioners were there? A I think he was living at Bogue Chitto where his grandchildren are living now.

Q Give us the names of all of the children of this man Ho-pa-ha-tubbee that you remember? A Yo-ah-tambee and I think he had a sister by the name of I-ye-nan-te-mah.

Q Were they both older than you? A I think Yo-ah-tambee was older than I am and I think his sister was about the same age I am.

On page 566 of Volume one of the records of the Court of Claims, No. 12742, the Choctaw Nation of Indians vs the United States, appears the case of Ho-pa-ha-tubbee, No. 259, it appearing that at the time the treaty of Dancing Rabbit Creek was made he lived on the Southwest quarter of Section 6, Township 11, Range 14 East, and had living with him two children under ten years of age, namely Yo-ah-tam-tee and I-ye-nan-te-mah. His claim was passed upon favorably by the Commissioners appointed under the act of Congress approved August 23, 1842, and their decision was, on July 23, 1845, affirmed by the Secretary of War. From the testimony of Adam Brokeshoulder, who bears the reputation of being thoroughly reliable, it would seem that these are the ancestors of the wife of Cooksey Vaughn.

Q Has Cooksey's wife any brothers living to your knowledge? A No.

Q Any sisters? A No.

Q How many brothers has Cooksey living? A Just two, John and Greer.

Q How many sisters has he living? A Three living--one of them is Ish-tah-he-mah, the wife of Pink Bull.

Q Has she an English name? A I don't know.

Q What are the names of the other two? A Meely.

Q Is she married? A No, she aint married.

Q What's the name of the other one? A Lisben.

Q Is she married? A No.

Q Is she of age? A Lisben is the oldest of the girls and I expect she's about thirty; I think Meely is maybe twenty years old.

Q Has Cooksey any brothers or sisters dead who left children? A Just one brother died and left children.

Q What was his name? A Chubbee Vaughn.

Q How many children did he leave? A Two, I think.

Q Are they living now? A I don't know.

Q What's their mother's name? A I don't know.

Q Is she married now? A That's what I heard.

Q Who is she married to? A She's now the wife of Gus Willis.

Q About how old is the wife of Pink Bull? A About twenty-three.

Q What's her name? A Ish-tah-he-mah.

Q Is she a full sister of John Vaughn? A Yes.

Cooksey Vaughn et al---4

- Q Her postoffice is Rio, Mississippi, isn't it? A Yes.
Q When was she married to Pink Bull? A About a month ago.
Q Pink was married before he married her, wasn't he? A Yes, he was married to a woman living upon Bogue Chitto Creek in Neshoba County.
Q Do you know what her name was? A I don't know.
Q How long before he married this last wife was it that he separated from the other one? A Something over a year-maybe two years.

The records of the Commission show that on the 31st day of May, 1901, Pink Bull appeared before the Commission at Meridian, Mississippi, and made application for the identification of himself and his wife, Emma, as Mississippi Choc-taws, their names appearing upon M.C.C. Field No. R-2525. Since his appearance in May of last year he has married Ish-tah-he-mah Vaughn.

- Q About how old is Meely Vaughn? A About twenty.
Q Is she a full sister of John Vaughn? A Yes.
Q With whom does she live? A With John Vaughn.
Q Her postoffice, then, is Toles, Mississippi, is it? A Yes.
Q Has she ever been married? A No.
Q About how old is Lisben? A About twenty-six.
Q Is she a full sister of John Vaughn? A Yes.
Q Has she ever been married? A No.
Q Has she any children living? A No.
Q Has Meeley any children living? A No.
Q With whom does Lisben live? A Lives with John Vaughn.
Q No application of any kind has ever been made to the Commission for Pink Bull's wife or Meeley or Lisben, has there? A No, not that I ever heard.

Cooksey Vaughn and his three sisters, referred to in the testimony in this case, are undoubtedly full blood Choc-taws living in Kemper County, Mississippi. Cooksey was seen yesterday by the representatives of the Commission but refused to make any appearance. He has had knowledge of the presence of the Commission in Mississippi but has always refused to appear before us, as have all of the other members of his family except John Vaughn. Adam Brokeshoulder has the reputation of being thoroughly reliable and trustworthy.

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 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of April, 1902,

Cooksey Vaughn et al--5

at Meridian, Mississippi.

J. D. Mosley,
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By

[Signature]

Deputy.

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

-oOo-

In the matter of the application for the identification of
Cooksey Vaughn, et al., as Mississippi Choctaws, M.C.R. 2505.

---: 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 Adam Brokeshoulder, for Cooksey Vaughn, 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."

It appears from the record herein that at the time Adam
Brokeshoulder made application for the identification of the above
named applicants he also made application for the wife of said ap-
plicant and his three minor children but was unable to state their
names. Although this applicant has been repeatedly requested to
furnish the names of said persons, he has failed to do so.

From the evidence submitted in support of said application
it appears that Cooksey Vaughn 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 fullblood, 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 Cooksey Vaughn should be identified as a Mississippi Choctaw, and it is so ordered.

It is the further opinion of this Commission that the application made for the identification as Mississippi Choctaws of the wife of the principal applicant and his three minor children, whose names are not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Muskogee, Indian Territory,


Commissioner.

MERIDIAN, MISSISSIPPI, October 1, 1903.

Cooksey Vaughn,

Herbert, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 10, 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 eight A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 72
M C R 5205.

Meridian, Mississippi, November 25, 1903.

Cooksey Vaughn,

Herbert, 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 10, 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 eight 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 72

Special Agent.

M C R 5205

Muskogee, Indian Territory, April 1, 1904.

Cooksey Vaughn,

Herbert, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 10, 1902, Adam Brokeshoulder appeared before this Commission at Toles, Mississippi and made application for you, your wife and three minor children for identification as Mississippi Choctaws. He was unable at that time to give the name of your wife, or the names of your minor 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 immediate attention for until this information is received no further action can be taken in your case.

Respectfully,

Enc. JD 3-1 & Rev.

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
Secretary

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

M.C.R. 5205.

Muskogee, Indian Territory, July 7, 1904.

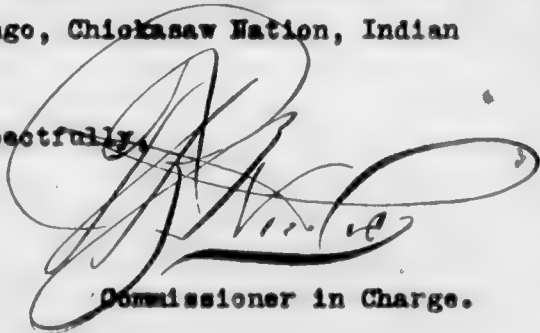
Adam Brokeshoulder,
Atoka, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on July 7, 1904, rendered its decision identifying Cooksey Vaughn 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 January 7, 1905, and must make proof of such removal and settlement on or before July 7, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

M.C.R. 5205

copy.

Muskogee, Indian Territory, July 7, 1904.

Cooksey Vaughn,
Herbert, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 7, 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 January 7, 1905, and must make proof of such removal and settlement on or before July 7, 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. 5205.

COPY: M.C.R. 5205

Muskogee, Indian Territory, July 7, 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 July 7, 1904, identifying Cooksey Vaughn 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 Cooksey Vaughn as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

Incl. M.C.R. 5205.

(See MCR 5004 for registry receipt for this letter).

#1991

No. 5205

For Identification as a Mississippi Choctaw.

Tales, Miss.

Date APR 10 1902

Name Cookley Vaughn
by Adam 2 - left shoulder

Age 30 Blood full

Post Office, Herbert, Miss.

Father: Jim Vaughn d

Mother: Can-ne-me-tim sh d

Claims through
Wife:

Father Vaughn (full) 30 d
mother - don't know - d

For 24

Children:

~~~~~ F 5

~~~~~ F 3

~~~~~ don't know sex 6 mo.

Photographer

J. S. Niles

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
AUG 10 1904

*[Handwritten signature]*

CHAIRMAN

TO KAINING  
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MAY 7 1904  
S. C. B.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*Handwritten:*  
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MUSKOGEE, IND. TER.  
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ATOKA  
IND. TER.



Aden Bookanoul  
Atoka, Indian Territory.

Choctaw MCR 5206

Sena Vaughn

MCR 5206



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

-oOo-

In the matter of the application for the identification of  
Sena Vaughn as a Mississippi Choctaw.

-cOo-

Herein is the record in the matter of the application for  
the identification of Sena Vaughn as a Mississippi Choctaw

M.C.R. 5206.

-cOo-

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

-cOo-

In the matter of the application for the identification of  
Sena Vaughn as a Mississippi Choctaw, M.C.R. 5206.

--: I N D E X :--

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-cOo-

5206

*Field*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Sena Vaughn for identification as a Mississippi Choctaw, represented by Adam Brokeshoulder.

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

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
- Q How old are you? A Seventy or seventy-one.
- Q What's your postoffice address? A Toles, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A All my life.
- Q Are you acquainted with a Choctaw by the name of Sena Vaughn? A Yes.
- Q How long have you known Sena? A All her life.
- Q Is she a full blood Choctaw? A Yes.
- Q How far does she live from you? A Three-quarters of a mile.
- Q What's her postoffice address? A Toles.
- Q About how old is she? A About forty-two, I reckon.
- Q Has she lived here in Kemper County all her life? A She used to live at Sandtown in Neshoba County and she was married and has been here in Kemper ever since.
- Q Is she living with her husband now? A No.
- Q Has she any children living? A No.
- Q What's her husband's name? A Billy Vaughn.
- Q He's the Billy Vaughn about whom you have testified here today, is he? A Yes.
- Q Is Sena's father living? A No.
- Q What was his name? A Ah-took-ah-lan-tubbee.
- Q Is Sena's mother living? A Dead long time.
- Q What was her name? A I don't know her name.
- Q Is she a full sister of Cun-ne-me-tim-ah, the mother of John Vaughn? A Yes.
- Q You appeared before the Commission at Meridian last May, did you not? 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 Sena ever complied or attempted to comply with the provisions of this 14th article or ever received any benefits under it? A I don't know.
- Q Do you know whether any of them appeared before any of the Commissioners appointed under certain acts of Congress approved between the years 1837 and 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 you appear before some Commissioners appointed under the act of Congress approved August 23, 1842, at a session they held at Yazoo Village in Neshoba about seven miles from here? A Yes.
- Q Do you know whether Ah-took-ah-lan-tubbee went before them or not? A Yes, he was there.

Q Did you see him go before the Commissioners? A I was a little boy and I didn't see it all--I was playing around there--I didn't see him go up and give his name.

Q Do you know whether he got any scrip from the Government a short while after those Commissioners left here? A No, I don't know.

Q What was the name of his father? A Nush-ko-bo-took-olo.

Q Did he have any other children besides Ah-took-ah-lan-tubbee? A I don't know whether he did or not.

Q Did you ever hear of a sister or a brother of Ah-took-ah-lan-tubbee by the name of Ah-con-a-la-cha? A No.

On page 568 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, appears the case of Mush-ko-bo-to-ko-lo, being No. 300, it appearing that at the time the treaty was made he had living with him ~~three~~ two children over ten years of age, namely-Ah-took-ah-lan-tubbee and Con-ah-la-cha, and one child under ten years of age, namely-Pah-shah-ho-to-nah. The decision of the Commissioners appointed under the act of Congress approved August 23, 1842, was in favor of the applicant and said decision approved by the Secretary of War on the 23rd day of July, 1845.

Q Did you ever hear of Ah-took-ah-lan-tubbee's having a sister by the name of Pah-shah-ho-to-na? A Yes sir, I remember now that he did have a sister by that name.

Q Was she older or younger than Ah-took-ah-lan-tubbee? A Younger than him.

Q Was this sister older or younger than you? A Older than me.

Q About how much do you think? A About ten years if expect.

From the testimony of Adam Brokeshoulder, who has the reputation of being a thoroughly ~~Choctaw~~ reliable Choctaw, there can be no doubt that Sena Vaughn is a full blood Choctaw, living near Toles, in Kemper County, Mississippi. Representatives of the Commission visited the home of John Vaughn, who lives near Sena, and attempted to induce Cooksey Vaughn and Greer Vaughn to appear before the Commission and there can be no doubt but that Sena Vaughn knows of the presence of the Commission at this place.

-----

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 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of April, 1902, at Meridian, Mississippi.

*J. P. Massey*  
 Clerk U. S. Circuit Court, Southern District of Mississippi.

2  
 By *J. P. Massey* Deputy.

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

-oOo-

In the matter of the application for the identification of  
Sena Vaughn as a Mississippi Choctaw, M.C.R. 5206.

---: 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 Adam Brokeshoulder, for Sena Vaughn, 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 Sena Vaughn is a full-blood Mississippi Choctaw  
Indian.

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

(2)


(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the 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 Sena Vaughn 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 20 1904

MERIDIAN, MISSISSIPPI, September 30th, 1903/

Sena Vaughn,

Toles, Mississippi.

Dear madam-

It appears from the records of the Commission that on April 10, 1902, application was made for the identification of yourself as a Chickasaw Mississippi Choctaws.

I do have the records in my possession, and in order that the case in your case may be rendered by the Commission, it will be necessary for you to appear before the Commission at Meridian, Mississippi, at the earliest possible date, and possibly relative to your rights to identify yourself as a Chickasaw Choctaws.

Under the present law, all persons who may be identified by the Deeds Commission as Mississippi Choctaws will be allowed 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 here their 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. 58  
M. C. H. 506

Special Agent

Meridian, Mississippi, November 25, 1903.

Sena Vaughn,

Toles, Mississippi.

Dear Madam-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 10, 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 50

Special Agent.



COPY.

H.O.R.5206

Muskogee, Indian Territory, May 20, 1904.

Sena Vaughn,

Texas, Mississippi.

Dear Madam:

Enclosed 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 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 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.  
No.: HCR-5206.

COPY: M.C.R. 5206

Muskogee, Indian Territory, May 20, 1904.

Adam Brokeshoulder,  
Tolos, Mississippi.

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Sena Vaughn as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

Under the provisions of the law above cited, 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. Noealee.*

Commissioner in Charge.

COPY.

M.C.R. 5206

Muskogee, Indian Territory, May 20, 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 this Commission, rendered May 20, 1904, identifying Sona Vaughn 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 Sona Vaughn as a Mississippi Choctaw, and make satisfactory proof of service of 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.  
No.: MCR-5206.

#1992

No. 5206

For Identification as a Mississippi Choctaw.

*John* Miss.  
Date

APR 10 1902

Name *Sena Vanginn*

Age *42* Blood *full*

Post Office, *Tous, Miss*

Father: *Ch lookattan tubbee d*

Mother: *doni Brown = d*

Claims through

*J.*

Children:

*Fa!*

*J. J. Niles*

Choctaw MCR 5207

John Lewis

MCR 5207

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

-cOc-

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

-cOc-

Herein is the record in the matter of the application for  
the identification of John Lewis as a Mississippi Choctaw.

M.C.R. 5207.

-cOc-

6-2-09

1-2-11

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

-c0o-

In the matter of the application for the identification of  
John Lewis as a Mississippi Choctaw, M.C.R. 5207.

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

|                                                                                                                   | (Page) |
|-------------------------------------------------------------------------------------------------------------------|--------|
| Original application of John Lewis to the<br>Dawes Commission for identification as a<br>Mississippi Choctaw----- | 1      |
| Testimony of Adam Brokeshoulder-----                                                                              | 3      |
| Decision of the Commission identifying John<br>Lewis as a Mississippi Choctaw-----                                | 5      |

-c0o-

5207

Full

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of John Lewis for identification as a Mississippi Choctaw, represented by Adam Brokeshoulder.

Said Adam Brokeshoulder, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
- Q How old are you? A About seventy or seventy-one.
- Q What's your postoffice address? A Toles, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A All my life.
- Q Are you acquainted with the Choctaw by the name of John Lewis? A Yes.
- Q How long have you known him? A All my life.
- Q How far does he live from you? A About three-quarters of a mile.
- Q What's his postoffice address? A Toles, Mississippi.
- Q Has he lived in Kemper County all his life? A Yes.
- Q How old is he? A About fifty.
- Q How much Choctaw blood has he? A ~~About fifty~~ Full blood.
- Q Is his father living? A Dead.
- Q What was his name? A Ah-took-ah-lan-tubbee.
- Q Is his mother living? A Dead.
- Q What was her name? A I don't know.
- Q Did you know her during her life time? A Yes.
- Q Was she a full blood Choctaw? A Yes.
- Q Is John Lewis a full brother of Sena Vaughn about whom you have just testified? A Yes.
- Q Is John married? A No, he was married.
- Q Is his wife living? A Dead.
- Q Has John Lewis any children living? A No.
- Q Has any application of any kind ever been made for him for the purpose of establishing his rights as a Choctaw Indian? A No.
- Q Has John Lewis any brothers living? A Yes.
- Q How many? A One.
- Q What's his name? A Reuben Lewis.
- Q Has he any other sisters besides Sena living? A No.

Reference is hereby made to the testimony of Adam Brokeshoulder given before the Commission this date in the matter of the application of Sena Vaughn for identification as a Mississippi Choctaw, also to his testimony given before the Commission on this date in the matter of the application of John Vaughn for identification as a Mississippi Choctaw. From the testimony of Adam Brokeshoulder, who bears the reputation of being thoroughly reliable and trustworthy, there can be no doubt that John Lewis is a full blood Choctaw; that he lives near Toles, in Kemper



John Lewis--2

County, Mississippi. The representatives of the Commission called upon him at his home yesterday, April 9th, but all efforts to induce him to appear before the Commission proved fruitless. He has the appearance of being a full blood Indian--speaks and understands the Choctaw language and very little English.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Toles, Mississippi, April 10th, 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 17th day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.

5206

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Sena Vaughn for identification as a Mississippi Choctaw, represented by Adam Brokeshoulder.

Said Adam Brokeshoulder, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
- Q How old are you? A Seventy or seventy-one.
- Q What's your postoffice address? A Toles, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A All my life.
- Q Are you acquainted with a Choctaw by the name of Sena Vaughn? A Yes.
- Q How long have you known Sena? A All her life.
- Q Is she a full blood Choctaw? A Yes.
- Q How far does she live from you? A Three-quarters of a mile.
- Q What's her postoffice address? A Toles.
- Q About how old is she? A About forty-two, I reckon.
- Q Has she lived here in Kemper County all her life? A She used to live at Sandtown in Neshoba County and she was married and has been here in Kemper ever since.
- Q Is she living with her husband now? A No.
- Q Has she any children living? A No.
- Q What's her husband's name? A Billy Vaughn.
- Q He's the Billy Vaughn about whom you have testified here today, is he? A Yes.
- Q Is Sena's father living? A No.
- Q What was his name? A Ah-took-ah-lan-tubbee.
- Q Is Sena's mother living? A Dead long time.
- Q What was her name? A I don't know her name.
- Q Is she a full sister of Cun-ne-me-tim-ah, the mother of John Vaughn? A Yes.
- Q You appeared before the Commission at Meridian last May, did you not? 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 Sena ever complied or attempted to comply with the provisions of this 14th article or ever received any benefits under it? A I don't know.
- Q Do you know whether any of them appeared before any of the Commissioners appointed under certain acts of Congress approved between the years 1837 and 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 you appear before some Commissioners appointed under the act of Congress approved August 23, 1842, at a session they held at Yazoo Village in Neshoba about seven miles from here? A Yes.
- Q Do you know whether Ah-took-ah-lan-tubbee went before them or not? A Yes, he was there.

Q Did you see him go before the Commissioners? A I was a little boy and I didn't see it all--I was playing around there--I didn't see him go up and give his name.  
Q Do you know whether he got any scrip from the Government a short while after those Commissioners left here? A No, I don't know.  
Q What was the name of his father? A Mush-ko-bo-took-clo.  
Q Did he have any other children besides Ah-took-ah-lan-tubbee?  
A I don't know whether he did or not.  
Q Did you ever hear of a sister or a brother of Ah-took-ah-lan-tubbee by the name of Ah-con-a-la-cha? A No.

On page 568 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, appears the case of Mush-ko-bo-to-ko-lo, being No. 300, it appearing that at the time the treaty was made he had living with him ~~three~~ two children over ten years of age, namely-Ah-took-ah-lan-tubbee and Con-ah-la-cha, and one child under ten years of age, namely-Pah-shah-ho-to-nah. The decision of the Commissioners appointed under the act of Congress approved August 23, 1842, was in favor of the applicant and said decision approved by the Secretary of War on the 23rd day of July, 1845.

Q Did you ever hear of Ah-took-ah-lan-tubbee's having a sister by the name of Pah-shah-ho-to-na? A Yes sir, I remember now that he did have a sister by that name.  
Q Was she older or younger than Ah-took-ah-lan-tubbee? A Younger than him.  
Q Was this sister older or younger than you? A Older than me.  
Q About how much do you think? A About ten years if exact.

From the testimony of Adam Brokesoulder, who has the reputation of being a thoroughly ~~Choctaw~~ reliable Choctaw, there can be no doubt that Sena Vaughn is a full blood Choctaw, living near Toles, in Kemper County, Mississippi. Representatives of the Commission visited the home of John Vaughn, who lives near Sena, and attempted to induce Cooksey Vaughn and Greer Vaughn to appear before the Commission and there can be no doubt but that Sena Vaughn knows of the presence of the Commission at this place.

-----  
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 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of April, 1902, at Meridian, Mississippi.

*I. P. Moxley*  
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 Lewis as a Mississippi Choctaw, M.C.R. 5207.

---: 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 Adam Brokeshoulder, for John Lewis, under the  
following provision of the act of Congress approved June 28, 1898  
(30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may 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 Lewis is a full-blood Mississippi Choctaw In-  
dian.


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 Lewis 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 1902  
-----

Ardmore, I. T. February 28, 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 TO MARK:

Dennis Tappit  
Thompson Detra

John Lewis  
his  
mark

MERIDIAN, MISSISSIPPI, September 30th, 1906.

John Lewis,

Jones, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 10, 1902, an application was made for the identification of yourself and family as Chickasaw Indians.

Since these records are now 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 with reference to your rights to identification as Chickasaw Indians.

Under the present law, all persons who may be identified by the United States Commission as Chickasaw Indians 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 said lands for a home 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.

Yours truly,

M. C. R. 5207

Special Agent

Meridian, Mississippi, November 25, 1903.

John Lewis,

Toles, 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 10, 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 59

Special Agent.



M.C.R. 5207

Muskogee, Indian Territory, May 5, 1904.

John Lewis,  
Teles, 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 as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1904 (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 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 5207.

Muskogee, Indian Territory, May 5, 1904.

Adam Broke-shoulder, (Ok-lah-nah-nubbee),  
Toles, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 3, 1904, rendered its decision identifying John Lewis 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 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,  
(Signature)

Commissioner in Charge.

Copy. M.C.R. 5207.

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 Lewis 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 John Lewis 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)

*L. D. Newland.*  
Commissioner in Charge.

Registered.

Enc. MCR 5207.

MISSISSIPPI CHOCTAWS IDENTIFIED

May 5, 1904.

-----o-----  
5084 Tom Clemmons et al.,  
5085 Smith Bell et al.,  
5160 Bill Wallace,  
5162 John Sookey et al.,  
5170 Sweeney Amos et al.,  
5172 John Capers,  
5180 Sam Shotubbee et al.,  
5182 Cornelius Bell et al.,  
5186 Sidney Ben et al.,  
5187 Johnson Ben et al.,  
5207 John Lewis, -  
-----o-----

Register to

Mansfield, McMurray & Cornish,

South McAlester, I.T.,

(All in ONE package)

And return receipt to MCR 5207.

MISSISSIPPI CHOCTAWS IDENTIFIED

MAY 5, 1904,

And copies of decisions mailed Mansfield, McMurray & Cornish:

-----oOo-----

MCR  
No.:

5207  
3005, John G. Meely,  
4215, Calvin McMillan et al.,  
4235, Sosby McMillan et al.,  
4398, John Briscoe et al.,  
4846, Sophia Sam,  
4869, Sampson Tubbee et al.,  
4873, Gibson Walter et al.,  
4886, Sicily Cun-on-tubbee,  
4887, Lucy Cun-on-tubbee,  
4888, Clamon Cun-on-tubbee,  
4908, Tillie Jim et al.,  
4910, Goodman Jim et al.,  
4912, Julia Willis et al.,  
4914, Hickman Thomas et al.,  
4915, Jim Tubbee et al.,  
4916, Tom Tubbee et al.,  
4952, Sealy Postoak,  
4954, Elijah Philip et al.,  
4984, Betsey Tuffamah,  
4986, Fingley Jim et al.,  
4988, John Jim,  
4987, Jimmy Jim,  
4989, Ben Billey et al.,  
5006, Ellen Tookolo et al.,  
5028, Elan Bell et al.,  
5034, Nannie Willis.

-----oOo-----

Register to Mansfield, McMurray & Cornish,  
South McAlester, Indian Territory,  
(in ONE package)

And return receipt to MCR 5207.

#1993

No. 5207

For Identification as a Mississippi Choctaw.

Toles Miss.  
Date

APR 10 1902

Name John Lewis.

By Adam [unclear]

Age 50 Blood full

Post Office, Toles, Miss.

Father: Ah-took-ah-lan-tubbed

Mother: dont know &

Claims through

(2)

Children:

J. H. [unclear]

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

**MAY 25 1904**



CHAIRMAN

Department of the Interior.

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

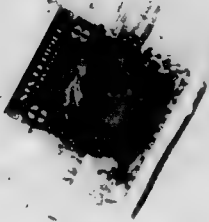
*Up on investigation  
we find that  
John Lewis is dead.*

*P. M.  
Alex. M. ...*

*127  
11199*

RETURN TO WRITER

John Lewis,  
Tales, Mississippi.



MUSKOGEE, IND. TER.  
MAY 7 1904  
RECORDED



Choctaw MCR 5208

Reuben Lewis

MCR 5208

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

-oOo-

In the matter of the application for the identification of  
Reuben Lewis, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for  
the identification of Reuben Lewis, et al., as Mississippi  
Choctaws, M.C.R. 5208.

-oOo-

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

-oOo-

In the matter of the application for the identification of  
Reuben Lewis, et al., as Mississippi Choctaws, M.C.R. 5208.

--: I N D E X :--

|                                                                                                      | (Page) |
|------------------------------------------------------------------------------------------------------|--------|
| Original application for the identification of<br>Reuben Lewis, et al., as Mississippi Choctaws----- | 1      |
| Decision of the Commission identifying said<br>Applicants as Mississippi Choctaws-----               | 4      |

-oOo-

5208

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Reuben Lewis for the identification of himself, his wife, -----, and four minor children, Earnest, -----, -----, -----, represented by Adam Brokeshoulder.

Said Adam Brokeshoulder, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
- Q How old are you? A About seventy or seventy-one.
- Q What's your postoffice address? A Toles, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A All my life.
- Q Are you acquainted with a Choctaw by the name of Reuben Lewis? A Yes.
- Q How long have you known him? A All his life.
- Q How far do you live from him? A About three-quarters of a mile
- Q Has he lived in Kemper County all his life? A Yes.
- Q Is he a full blood Choctaw? A Yes.
- Q About how old is he? A About forty five.
- Q What would be his postoffice address? A Toles.
- Q Is Reuben's father living? A Dead.
- Q What was his name? A Ah-took-ah-lan-tubbee.
- Q Is Reuben's mother living? A Dead.
- Q What was her name? A I don't know.
- Q Is Reuben a full brother of John Lewis about whom you have testified today? A Yes.
- Q Is Reuben married? A Yes.
- Q Wife living? A Yes.
- Q Are they living together? A Yes.
- Q What's her name? A I don't know.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A About thirty eight.
- Q How long have you known her? A Ever since Reuben was married to her.
- Q How long have they been married? A About twenty-six years.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A No.
- Q What was his name? A I don't know.
- Q Were you acquainted with him? A No.
- Q Is her mother living? A No.
- Q What was her name? A I don't know.
- Q Did you know her during her life time? A I think I seen her once or twice but I didn't know her name.
- Q Do you know the name of any of the grandparents of the wife of Reuben Lewis? A No.
- Q Do you know anything about the family at all? A No.
- Q None of their names? A No.
- Q How many children have Reuben and his wife living with them? A Four.
- Q What are their names and ages? A The oldest is Earnest.
- Q About how old? A About seventeen.

Reuben Lewis et al--2

- Q Next one? A I don't know the names of the other three.  
Q Is the next one after Earnest a boy or a girl? A A boy.  
Q About how old is he? A About twelve.  
Q Is the next one a boy or girl? A Boy.  
Q About how old is that boy? A About eight.  
Q Is the next one a boy or girl? A Girl.  
Q About how old is she? A About five.  
Q Is that all the children these people have? A Yes.  
Q And they all live at home with them, do they? A Yes.  
Q Have they any other children living with them? 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 these people for the purpose of establishing their rights as Choctaw Indians? A I don't know.  
Q If they ever made any application you never heard of it, then?  
A No.

As to a compliance on the part of the ancestors of Reuben Lewis with the provisions of article 14 of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Adam Brokeshoulder in the matter of the application of Sena Vaughn for identification as a Mississippi Choctaw.

- Q You appeared before the Commission last May? A Yes.  
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 the wife of Reuben Lewis ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.  
Q If any of them ever received any land here in Mississippi from the Government, you never heard of it? A No.  
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 I don't know whether any of them ever got any scrip from the Government or not.  
Q You attended a session of the Commissioners appointed under the act of Congress approved August 23, 1842, at old Yazoo Village, in the edge of Neshoba County, Mississippi, in the forties, did you not?  
A Yes.  
Q Do you know whether any of the ancestors of Reuben's wife were there and went before those Commissioners and attempted to establish their rights? A I don't know--I didn't know any of her old folks.

From the testimony of Adam Brokeshoulder there can be no doubt that Reuben Lewis and his wife are full blood Choctaws living near Toles, in Kemper County, Mississippi. This man Lewis had had knowledge for a year of the presence of the Commission here in Mississippi, but has always refused to appear before the Commission. He was notified

Reuben Lewis et al---3

by representatives of the Commission on Tuesday, the 8th of this month, of our presence here but refused to appear before us.

-----

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 10th, 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 17th day of April, 1902, at Meridian, Mississippi.

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

By *Moody*

Deputy.

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

-oOo-

In the matter of the application for the identification of  
Reuben Lewis, et al., as Mississippi Choctaws, M.C.R. 5208.

---: 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 Adam Brokeshoulder, for Reuben Lewis and his  
minor child, Earnest Lewis, under the following provision of the act  
of Congress approved June 28, 1898 (30 Stats., 495):

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

It appears from the record herein that at the time Adam  
Brokeshoulder made application for the above named applicants he  
also made application for the wife of Reuben Lewis and three other  
minor children, but was unable to state their names. Although the  
principal applicant has been repeatedly requested to furnish the  
names of his wife and said children, he has failed to do so.

From the evidence submitted in support of said application it appears that Reuben Lewis and Earnest Lewis 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 mixedblood 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 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 Reuben Lewis and Earnest Lewis 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 Mississippi Choctaws of the wife of the principal applicant and their three minor children, whose names are not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FEDERAL CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
JUL 16 1904



MERIDIAN, MISSISSIPPI, September 28th, 1903

Reuben Lewis,

Boles, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 10th, 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. 53  
M. C. R. 5208

Special Agent

Meridian, Mississippi, November 24, 1903.

Reuben Lewis,

Toles, 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 10th, 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,

53  
Special Agent.

M C R 5208

Muskogee, Indian Territory, April 1, 1904.

Reuben Lewis,

Toles, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 10, 1902, Adam Brokeshoulder appeared before this Commission at Toles, Mississippi, and made application for the identification of yourself, your wife and four minor children as Mississippi Choctaws. He was unable at that time to give the names of three of your minor 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 1-1 & Env.

Commissioner in Charge.

M.C.R. 5208

COPY.

Muskogee, Indian Territory, July 16, 1904.

Reuben Lewis,

Toles, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you and your child, Earnest Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Incl. M.C.R. 5208.

M.C.R. 5208

COPY.

Muskogee, Indian Territory, July 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Reuben Lewis and his minor child, Earnest Lewis, 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 July identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.  
Incl. M.C.R. 5208.

See M.C.R. 6507 for registry receipt for this letter.

#1997

No. 5208

For Identification as a Mississippi Choctaw.

Tolus Miss.

Date APR 17 1902

Name Reuben Lewis

Age 45 Blood full

Post Office, Tolus, Miss.

Father: Ah-took-ah-lan-tubbee &

Mother: dont know &

Claims through

wife Lewis (nee) 38

Father dont know - d  
mother " "

For self, wife and 4 children

Children:

- Earnest Lewis 17
- \_\_\_\_\_ (M) 12
- \_\_\_\_\_ (M) 8
- \_\_\_\_\_ (F) 5

J. J. Hills

Choctaw MCR 5209

Tom Tubbee

See MCR 537, 5210, 5211

MCR 5209

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

---o---

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

Tom Tubbee, et al.,           M.C.R. 5209  
Simpson Tubbee, et al.,   M.C.R. 5210  
Cornelia Tubbee, et al., M.C.R. 5211

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

|                                                                                                                                                                   | (Page) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Tom Tubbee, et al.,<br>to the Dawes Commission for identification<br>as Mississippi Choctaws-----                                         | 1      |
| Certified copy of marriage certificate between<br>Tom Tubby and Janie Rickles-----                                                                                | 6      |
| Original application of Simpson Tubbee, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                     | 7      |
| Original application of Cornelia Tubbee, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                    | 10     |
| Testimony of Manda Tubbee-----                                                                                                                                    | 13     |
| Decision of the Commission refusing the ap-<br>plications in the consolidated case of Tom<br>Tubbee, et al., for identification as Mis-<br>sissippi Choctaws----- | 16.    |

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

---0---

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

Tom Tubbee, et al., M.C.R. 5209  
Simpson Tubbee, et al., M.C.R. 5210  
Cornelia Tubbee, et al., M.C.R. 5211

---: 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 Charles B. Tinsley for Tom Tubbee and his five minor children,  
Mollie, William T., Pinkey, Andrew and Pearlle Tubbee; by Charles  
B. Tinsley for Simpson Tubbee and his two minor children, Ira and  
Edgar Tubbee; and by Charles B. Tinsley for Cornelia Tubbee and her  
two minor brothers, Jeff and Adolphus 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 ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Lewis and Sooky, both of whom are alleged to have been full-blood Choctaw Indians.

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

It is found that the name Lewis appears on pages 273, 405 and 764, and the name Sukey on pages 220, 227 and 664 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742; and the name Lewis is also found on page 971 of Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty; but it does not appear from the evidence submitted by the several applicants herein that the Lewis or Sooky, through whom they claim, are identical with any of the persons whose names appear in the records above cited.

It is further found that persons bearing the names of Lewis, Sukey, Suckey and Sucka received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there

is nothing in the testimony of the applicants which tends to show that the persons who received said scrip are identical with the Lewis or Sockey, through whom they claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lewis, or Sockey, through whom these applicants claim, 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 Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Chairman.

(SIGNED)

*J. D. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. L. Stanley.*

Muskogee, Indian Territory,  
MAR 15 1904

5209

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Tom Tubbee for the identification of himself and five minor children, Mollie, William T, Pinkey, Andrew and Pearlle, as Mississippi Choctaws, represented by Charles B. Tinsley.

Said Charles B. Tinsley, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Charles B. Tinsley.
- Q How old are you? A I will be seventy years old on September.
- Q What's your postoffice address? A Toles.
- Q Kemper County, Mississippi? A Yes.
- Q How long have you lived in Kemper County? A I've lived here about sixty-seven or sixty-eight years.
- Q What's your occupation? A Farming.
- Q Are you acquainted with a man by the name of Tom Tubbee? A Yes sir.
- Q How long have you known him? A I've known him I reckon about six years.
- Q Has he any Choctaw blood? A Yes sir, half breed.
- Q About how old a man is he? A Well, he's somewhere about thirty.
- Q How far does he live from you? A About a mile and a half or two miles.
- Q How long has he lived in this County? A He's been here about five or six years.
- Q Do you know where he lived before he came here? A He lived in Winston and Meshoba.
- Q You have known of him all his life, have you? A Yes sir.
- Q He has lived in this State all his life? A Yes.
- Q What's Tom's postoffice address? A Darnall.
- Q Kemper County? A Yes.
- Q Is Tom's father living? A No sir.
- Q What was his name? A Lewis Tubbee.
- Q Were you acquainted with him? A Yes sir.
- Q How long did you know him? A Well, I know of him here for fifteen or twenty years.
- Q When did he die? A He died about two or three years ago--two years ago I suppose.
- Q Where was he living at that time? A In Winston County.
- Q Had he lived in Winston all his life? A Yes sir.
- Q About how old a man was he when he died? A About sixty-five I reckon.
- Q How much Choctaw blood did he have? A He was full blood.
- Q Speak and understand the Choctaw language? A Yes sir, what English he spoke was broken.
- Q Did he have a Choctaw name? A Yes sir but I don't know what it was.
- Q Do you know the names of his parents? A No sir.
- Q Were you acquainted with them? A No sir, I don't know that I was.
- Q You are quite certain, though, that Lewis was a full blood Indian? A Yes sir.

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- Q Is Tom's mother living? A Yes sir.  
Q What's her name? A Manda.  
Q Has she any Choctaw blood? A None that I know of-she claims some but I don't know whether she has any or not.  
Q Do you know how much Choctaw blood she claims to have? A Well, she claims about a quarter Choctaw. She claims, I think, that her mother was a half breed.  
Q Did you ever hear that she claimed to be Cherokee? A Yes sir, she told me that she was a Cherokee.  
Q When did she change her mind about it and decide that she was a Choctaw? A About three years ago.  
Q Does she speak or understand the Choctaw language? A A little, very little.  
Q You can understand a good deal of Choctaw, yourself, can you not? A Yes sir.  
Q Is Tom married? A Yes sir.  
Q Wife living? A Yes sir.  
Q Are they living together? A Yes sir.  
Q What's her name? A Bettie.  
Q Did you ever hear her called Janey? A No sir.  
Q Has she any Choctaw blood? A No sir, I think not.  
Q White woman? A Yes sir; if she's got any Choctaw blood I never heard of it.  
Q Was Tom ever married before he married her? A No sir, I think not.  
Q Do you know whether he was married to her under a license? A I never saw the license but I reckon from what I've heard that he was.

Reference to the testimony of Tom Tubbee ~~has~~ given before the Commission at Philadelphia, Mississippi, on the 2nd day of February, 1899, shows that he stated at that time that his mother was half white and half Cherokee.

- Q Do you know how long Tom and Bettie have been living together? A About six or seven years.  
Q How many children have they living? A Five.  
Q What are their names and ages? A Mollie, about eight years old, - William T, about six--Pinkey, about four--Andrew, about one year and a half--Pearlie, about six months old.  
Q Are these children all living now? A Yes sir.  
Q Do they live with Tom and his wife? A Yes sir.  
Q Do you know whether any application of any description has ever been made before today in behalf of these people for the purpose of establishing their rights as Choctaw Indians? A Yes sir, they made application at Philadelphia three years ago.

The records of the Commission show that on the 2nd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi for the identification of Tom Tubbee and his minor children, Mollie, William T., ~~Rick~~ and Pinkey, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card D-64. The name of the applicant, Tom Tubbee, also appears upon page 108 of the

schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being number 1922 thereon. On March 8th, 1899, the name of Tom Tubbee was transferred from Mississippi Choctaw card No. D-64 to card ~~XXXX~~ No. 537, the names of his children being omitted from said card No. 537 and from the schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, on account of the fact that no proof of marriage of Tom Tubbee and the mother of his three minor children was submitted to the Commission.

- Q Do you know whether any other application of any kind has ever been made for these people? A No sir, I don't know.
- Q You would be likely to know about it if there had, wouldn't you? A Yes sir, I think I would. I am satisfied that Tom was married and I am satisfied that his marriage was recorded in Louisville and I am satisfied that he got a certificate and turned it over to Mr. Winton, though I never saw it.
- Q Do you know anything about the marriage of his father and mother? A No sir.
- Q You are familiar with the provisions of the 14th article of the treaty of Dancing Rabbit Creek and understand it thoroughly, do you not? A Yes sir, I have read it over a good many times.
- Q Do you know whether any of the ancestors of this man Tom Tubbee ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know.
- Q You don't know whether any of them were living here when the treaty was made 71 years ago, do you? A No sir, but I am satisfied they were all here.
- Q Did any of the Choctaw ancestors of Tom Tubbee 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 sir, I think two of his uncles went out--that's what I have learned from the Indians.
- Q Is that all? A That's all I ever heard of.
- Q They were full blood Choctaws, were they? A Yes sir.
- Q Did they ever come back here? A No sir, never been back.
- Q Do you know whether any of his ancestors ever claimed or received any land here in Mississippi from the Government of the United States under the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q You have heard of and understand the purposes of certain acts of Congress passed between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the claims of Choctaws under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I can remember when the Commissioners appointed under the act of Congress of August 23, 1842, held sessions at old Yazoo Village only eight miles from where I now live. These Commissioners also spent considerable time at my father's place.
- Q Do you know whether any of the ancestors of this man Tom Tubbee ever got any scrip from the Government of the United States under this act of Congress approved August 23, 1842? A No sir.

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Q Or whether any of them appeared before any of the Commissioners appointed under those acts of Congress? A No sir, I don't know about that.

Q Do you know of any old persons living who would be likely to know more about this matter than you? A Yes sir, John Marshall who lives up near Seale in Neshoba County. I expect he could have told you about it. Old Klan Bell who lives near Coffadelliah may know about it.

Q Klan is a three-quarter blood Choctaw and Mr. Marshall a white settler there? A Yes sir.

Q You don't know of any deed or patent, papers of any kind, which would prove or tend to prove that any of the ancestors of this man Tom Tubbee ever complied with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, do you? A No sir.

Q Have you talked with this man Tom Tubbee within the last year about appearing before the Commission? A Yes sir.

Q What does he say about the matter? A He just told me that it wasn't necessary—that he had been at the Commission at Philadelphia three years ago and Mr. Winton told him it wasn't necessary to go again and he wasn't going again.

Commission:

This man lives within two miles of the camp of the Commission near Teles, Mississippi. He was notified on the 7th of this month of the presence of the Commission at this place and urged to appear before us but refused to do so.

Q Has Tom any brothers living? A Yes sir.

Q How many? A Simpson, John, Will, Jeff and Adolphus. Simpson is younger than Tom and has a family and lives near here. John and Will, the last I heard of them, were living in Indian Territory. Jeff and Adolphus are minor children and are living with their mother.

Q Has Tom any sisters living? A Yes sir.

Q How many? A I don't know of but one now.

Q What's her name? A Cornelia; she's a minor and lives with her mother.

Q Are you interested in any way in the result of the application of Tom Tubbee and his children? A No sir.

Q Are you related to him in any way? A No sir.

Every effort has been made to induce Tom Tubbee to appear before the Commission but he positively refuses to do so. From the testimony of Charles B. Tinsley, who is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children, whose names are set forth in this application.

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Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Teles, Mississippi, April 10th, 1902, and that the above and foregoing is a

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full, true and correct transcript of his stenographic notes taken  
in said proceedings on said date.

*John H. Shivers*

Subscribed and sworn to before me this the 16th day of April, 1902,  
at Meridian, Mississippi.

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

By

*J. M. W.*

Deputy.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., January 6th, 1905.

M C R 5209

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In the matter of the application of Tom Tubbee, et al.  
for identification as Mississippi Choctaws.

In accordance with departmental instructions of October 27, 1904, remanding the case above referred to for additional testimony, the following proceedings were had, proof of service of copy of notice that such testimony would be taken on the above date, upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, being first furnished by Townsend N. Foster, attorney for Tom Tubbee; a copy of the notice being attached to this record.

(W. H. Moore, representing Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
APPEARANCES Townsend Foster, representing applicants,  
Tom Tubbee, applicant.  
Joe Jimmerson, witness.

Tom Tubbee, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Tom Tubbee.  
Q How old are you? A Soon be thirty-four.  
Q Where do you live? A I live at Kiowa.  
Q You claim to be a Mississippi Choctaw? A Yes sir.  
Q Are you a full blood Choctaw Indian? A No.  
Q You said "No" didn't you? A Yes.

By Townsend N. Foster:

Q Are you the same Tom Tubbee who was identified by the Commission in the State of Mississippi, at Philadelphia, I believe it was in 1900---I haven't got the date---I wanted to get the date. Are you the same man that was identified by the Commission in 1900? A Yes.  
Q What was your father's name? A (Interrupting) By A. S. McKennon?  
Q Yes? A Yes sir.  
Q What is your father's name? A Lewis Tubbee.  
Q What was your grandfather's name? A They called his name Wakatubbee.  
Q Had he any other name? A Yes; called him Alex Wakatubbee. Choctaw name is another name, too; got another name.  
Q State what it was? A Abaanintubbee I believe.  
Q Did he live in Mississippi? A Yes.

Tom Tubbee 2

- Q It is your understanding that he complied with the treaty of 1830? A Yes.
- Q Did he have a farm there, or land there? A Yes.
- Q Does this witness of yours know you? A Yes.
- Q How long has he known you? A He knowed me all my life I reckon; since I can recollect.
- Q Knew your father and grandfather? A Yes.
- Q Did he know Lewis Tubbee? A Yes.
- Q Is Lewis Tubbee on the Choctaw roll here? A I don't know whether he is or not.
- Q Is he your brother? A Lewis is my father.
- Q What is your brother's name that's on the roll? A William Tubbee.
- Q William Tubbee? A Yes sir.
- Q Was he admitted by the Dawes Commission? A Yes.

Statement by Townsend N. Foster :

What I had in mind, Mr. Beall, was that one of the reasons assigned for a new hearing in this case by the Secretary was the absence of the old record; the Commission had not forwarded the old record, and I wanted to bring out those points that are found in the old record, and I thought by your examination we would get all that was necessary.

By the Commission: (To applicant)

- Q Did you ever personally appear before the Commission to the Five Civilized Tribes and make an application for identification as a Mississippi Choctaw? A Yes.
- Q Where? What place? A Philadelphia, Mississippi.
- Q When was that? A I don't know; about '99. I reckon somewhere along there.

Statement by Commission:

The following is a copy of the testimony of Tom Tubbee made before the Commission to the Five Civilized Tribes at Philadelphia, Neshoba County, Mississippi, Thursday, February 2, 1899:

"TOM TUBBY, the applicant, states: I am 28 years old, and have a wife who is a white woman, named Janie. My mother's father was a Cherokee Indian, and her mother was a white woman. My mother was half Cherokee and half white. My father is a full blood Choctaw, named Lewis Tubbee. I have three children by my wife. They are as follows: Mollie, 5; William, 3; and Pinkney, one year old. I have a sister who has been married, but is now parted from her husband. His name was Solomon Willis. Her name is Josephine Willis, age 26. She has the following children: Willie, 3; and Sarah Jane, one year old. These children's father was a full blood."

By Townsend N. Foster:

- Q Where was your father's farm? A Father?  
Q Yes, your grandfather's farm? A In Neshoba County.  
Q In Mississippi? A Yes.

By W. H. Moore:

- Q What did you say your father's father's name was? A Abaanintubbee.  
Q Abaanintubbee? A Yes sir.  
Q Do you know how he spelled that name? A I don't know pretty well; I don't know much how to spell or read.  
Q Did you ever know him; did you ever see him? A No. I don't know as I ever did.  
Q He was dead before you were born? A Yes sir.  
Q How did you know where his farm was; who told you that?  
A I just know by my folks and witnesses.  
Q By your witnesses? A Yes sir.  
Q These witnesses that you are going to have testify for you they are the ones that told you your father had a farm? A Yes sir, I knowed----- My mother taught me they had a farm there.  
Q Who are these witnesses that told you your father had a farm in Neshoba County? A My Ma told me he had the land.  
Q Your mother told you? A Yes.  
Q He was your father's father wasn't he? A Yes sir.  
Q He wasn't your mother's father? A No.  
Q Which was he, your father's father or your mother's father?  
A Who?  
Q This man we have been talking about? A Who?  
Q This man we have been talking about? A That's my grandfather.  
Q Your father's father? A Yes sir.  
Q He had a farm in Neshoba County? A Yes sir.  
Q Whereabouts in Neshoba? A Close to Owl Creek.  
Q What was his post office? A His post office--I don't know exactly what his post office was then, but the county seat there was Philadelphia. About nine or maybe ten miles, I don't know exactly how far, from Philadelphia, Mississippi.  
Q How long has your grandfather been dead? A I don't know how long.  
Q Before you can remember? A Yes sir, I reckon he died somewhere since--maybe since the war. He's been dead a long time.  
Q Well, now, how does it happen that this man---this man that you speak of is he a full blood or half breed? A Full blood.  
Q Now in this motion that you have made for a rehearing in this case you state that your grandfather's name was Wakatubbee?  
A Yes sir.  
Q Now what makes the difference? A The Choctaws they got two or three or four names. The white folks there in Mississippi just call his name like my name. My name is Tom Tubbee and they call me Thomas Tubbee, but it all mean the same man; and Wakatubbee and Abaanintubbee and Alex Wakatubbee is same man.  
Q All the same man? A Yes sir.  
Q This grandfather of yours then, one name was Alex Wakatubbee?  
A Yes sir. White folks called him Alex and called him Alex Wakatubbee.

- Q Did you know Scott Bell when he lived in Mississippi?  
A Yes sir.
- Q Did you know John Willis when he lived in Mississippi?  
A Yes sir.
- Q Have you got them here as witnesses? A No sir.
- Q How does it happen you named them in your motion for rehearing and haven't got them here? A Well, I tried to get Scott here, but he is at Atoka attending court. He is attending court there and he hasn't come back yet.
- Q Scott Bell is a Mississippi Choctaw? A Yes sir.
- Q An applicant for identification as a Mississippi Choctaw?  
A Yes sir.
- Q So is John Willis? A Yes sir.
- Q Who is this witness you got here? A Joe Jimmerson.
- Q He is a Mississippi Choctaw? A Yes sir.
- Q Has his case been passed on yet? A Yes sir, I reckon so.
- Q Do you know what the name of your mother's father was?  
A No, I don't know.
- Q Do you know what the name of your mother's mother was?  
A No, No I don't know.
- Q Do you know what the name of your father's mother was?  
A No, No I don't know.
- Q Then the only grandparent whose name you know is this man Wakatubbee--the man with these half dozen different names is the only one of your grandparents that you know? A Yes, that's all the one I know.
- Q Only one you know? A Yes.
- Q And you learned his name from these witnesses that you are going to have here to testify? A No, my Pa.
- Q How long has your father been dead, Tom? A My Daddy?
- Q Yes? A Let me see--he died about---the Commission was at Philadelphia in '99.
- Q Yes? A He died that same year, June.
- Q Did he ever appear before the Commission? A No, he was sick when I went before the Commission; I went to see him then; I stopped there.
- Q Where did he live? A He lived then about fourteen miles from Philadelphia.
- Q How old a man was your grandfather at the time of his death?  
A I don't know how old he was--pretty old man.
- Q Pretty old man? A Yes.
- Q Passed middle age, you think? A When he died?
- Q Yes? A Yes, he was an old man, pretty old fellow; that's what my folks told me.
- Q How old was your father when he died? A He said--he told me when he died he was about---he said he was about fifty-nine; maybe fifty-six or fifty-nine.
- Q How long had your grandfather lived in Neshoba County before he died? A I don't know how long.
- Q Where had he lived before coming to Neshoba County? A I don't know. The first time I heard or knowed of him--I may have seen him but I don't know--but the first time I knowed anything about him my Pa said--but he was--why he lived--they always lived in Neshoba County.
- Q You don't know that he was born in Neshoba County? A No sir.

- Q Don't know where he lived prior to coming to Neshoba County?  
A No.
- Q Or how long he lived there prior to his death? A No.
- Q You don't know where he was living in 1830? A My Pa said he was at the treaty.
- Q When did your father tell you that? A He always told me he didn't believe in this coming to the Territory. He didn't want us to come. He didn't want--he said never give up. He said then that this here treaty, like that Dancing Rabbit Creek, it was getting rid of the Choctaws there and coming to the West, and he said white folks took that land away from them and he never wanted to come.
- Q Was your father at the Dancing Rabbit Creek treaty? A I don't know. He said grandfather was there.
- Q His granddfather or his father? A His father, my grandfather.
- Q Do you know where his father was living at that time? A Neshoba.
- Q At that time? A Yes sir, in Neshoba County.
- Q How old a man was he at that time, your grandfather? A I don't know.
- Q Was he a grown man at the time of the treaty of Dancing Rabbit Creek, your grandfather? A I don't know.
- Q What did your father tell you; you said your father told you about it? A He just said he was at this treaty, Dancing Rabbit treaty, that's all I know about it.
- Q And he never told you whether his father was a man at that time or not? A No sir.
- Q Tom, you have lived in Neshoba all your life until you came here, didn't you? A No, I lived--I was raised together in Neshoba and Winston County.
- Q Which county were you born in? A Neshoba.
- Q How long did you live there? A I don't know. I don't know how old I was when I moved away. About---I don't know.
- Q What is your best judgment; were you old enough to remember when you moved from Neshoba to Winston County? A Yes sir, I moved and come back.
- Q When you moved there the first time? A Ten or twelve years old.
- Q How long did you live in Winston County? A Lived there a while and then went back; maybe a year or so that way and back again.
- Q But you lived in those two counties until you came to the Territory? A Until I was grown.
- Q And then where did you live? A Kemper County.
- Q How long did you live there? A I lived there about ten years.
- Q About ten years? A Nine or ten.
- Q Where else did you live besides these three counties?  
A That's all.
- Q What brothers and sisters did your father have, Tom?  
A Brothers and sisters?
- Q Yes? A I don't know all of them. One of them named Jim I believe.
- Q Jim what? A Jim Tubbee. He got two or three names just like rest of them, but that's the name that he is known by. Choctaws call him Skoocch.

- Q What were the names of the others, give us all you know?  
A Let me see, I believe one of them named John Alex Tubbee. White folks called him Alex; his name was Tubbee; and let me see, another one Willis Tubbee I believe, Willis Tubbee. One of them named Austin Tubbee; that's all I know.
- Q Is that all you know now? A Yes sir, that's all I remember.
- Q How many of them are living? A I don't know. I don't know as any of them--let me see, two of them dead I think, two of them; I don't know about that other one.
- Q Is your mother living, Tom? A Yes sir.
- Q Where does she live? A She live at Ardmore.
- Q At Ardmore? A Yes.
- Q What is her name? A Name Mandy.
- Q Mandy Tubbee? A Mandy Tubbee.
- Q She's not married since the death of your father? A No.
- Q Is she an applicant for enrollment? A No, I don't think so.
- Q When did she come out to the Indian Territory? A She came out -----
- Q (Interrupting) You say she's not an applicant? A I don't know. I never knowed whether she is or not. Maybe so. She's been here I reckon. I don't think she claim any applicant though.
- Q You stated that you had a brother who had been identified by the Commission; when and where was he identified? A He has been enrolled.
- Q Was enrolled? A Yes.
- Q Where does he live? A He live at--I think his post office is Tucker.
- Q Tucker, Indian Territory? A Yes.
- Q When did he come out to the Indian Territory, Tom? A He come out somewhere about, as well as I recollect, about----
- Q Came the same time you did? A No, about '96.
- Q He came before you? A Yes.
- Q What is his name? A William Tubbee, or Willie Tubbee.

By Townsend Foster:

- Q Why didn't you go to the Commission in Mississippi and appear when they sent for you? The records show that you were called on and never came. Why didn't you come? Why didn't you do it?  
A Well, I was told there was no use going to enroll.
- Q Who told you? A Been one time.
- Q You had been one time and thought it wasn't any use to go again?  
A Yes sir.
- Q Now, who told you that? A C. F. Winton--good many of them.
- Q You were told that you had been there and identified? A Yes.
- Q And no use to go back again? A Yes.
- Q That's the reason you didn't go? A Yes.
- Q After a while the Commission rejected you? A Yes.
- Q And you began to stir yourself to get a hearing? A Yes, I didn't know I had to come back or I would have come back long ago. These folks said there was no use to come back; said the Commission had done enrolled me and I needn't come back.

Applicant excused.

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Joe Jimmerson, being called as a witness and duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Joe Jimmerson.  
Q How old are you? A Commission got me eighty-five about five years ago.  
Q Where do you live? A I live now at Ardmore. I come from Mississippi.

By W. H. Moore:

Now the Nations object to the taking of the testimony of this witness for the reason that his name is not mentioned in the motion for rehearing and is not one of the witnesses for the taking of whose testimony the case was remanded.

By the Commission:

We will hear the testimony of the witness subject to the objection of the Nations.

By Townsend N. Foster:

- Q Do you know Tom Tubbee; are you acquainted with him? A Yes.  
Q How long have you known him? A Ever since he was a boy.  
Q Did you know his father? A Yes sir.  
Q Did you know his grandfather? A Yes sir.  
Q Where did he live? A Neshoba County. First time he lived in Winston County before the treaty, but since the treaty he lived in Neshoba County all his life.  
Q How much Choctaw blood did he have, Abaanintubbee? A Whole thing.  
Q Did he have any other name? A Yes.  
Q What was it? A I forget that name. Some called---I don't call nicknames. I called him old Abaanintubbee myself. That's all I call him myself.  
Q How old are you? A About eighty or eighty-five. McKennon got me eighty-five.  
Q McKennon? A Yes sir.  
Q Where did Abaanintubbee live? A Abaanintubbee lived first time--he was born and raised in Winston County and since lived in Neshoba; married in Neshoba.  
Q Were you present at the treaty of Dancing Rabbit Creek?  
A No sir, I wasn't old enough for that. My Mammy--my Mammy has been in the Territory here once before the war and I been here once myself before the war, in Fort Smith.  
Q Abaanintubbee was like you, full blood? A Yes sir, full blood.  
Q Did you know him well? A Oh, yes, I knowed him well. How come I know old Abaanintubbee he my cousin.  
Q He's your cousin? A Yes. Old man I know him too. He old fellow.

- Q Did he have land over there? A Yes sir, somewhere in Neshoba County about twelve miles from Philadelphia, northwest somewhere about North Bend post office.
- Q Was it on any creek or water? A Owl Creek was what they called it---Bokchito--called Owl Creek.
- Q Does Bokchito mean Owl? A No, Bokchito branched out and little creek of it called Owl Creek. Now, Wakatubbee that's another name. Wakatubbee, now I remember it, nickname. Old Abaanintubbee was old Indian name. That's what I called him. Some called it Wakatubbee.
- Q Is Abaanintubbee and Wakatubbee the same man? A Yes, same man; one man, only different names. Joe Jimmerson my name, but I have two names.

By W. R. Moore:

- Q Was Abaanintubbee as old as you are? A Heap older; over a hundred years old; same age as my Daddy; my Daddy over a hundred years old.
- Q How long has Abaanintubbee been dead? A He died since the war about ten or twelve years ago.
- Q Abaanintubbee died since the war? A Yes sir.
- Q About ten years ago? A Yes sir, in Newton County.
- Q Tom used to live with his grandfather? A Always with his grandfather.
- Q How many children did Abaanintubbee have? A I think about five or six I believe.
- Q How many of them did you know? A I used to know---I didn't see him regular; I saw him sometime he moved off from Neshoba. I saw him some time in Winston County. Old Abaanintubbee go off about the country, he and his wife go off and his wife make baskets and they had this boy with them; stay away a while and come back.
- Q You have seen this boy going around with his grandfather?  
A Yes sir.
- Q Daddy and all together? A Yes sir.
- Q Lived with his grandfather until pretty near a grown man?  
A Yes sir.
- Q Which is the oldest, you or Lewis Tubbee? A Lewis Tubbee about the same as my boy. I look like I am his Daddy. Old Abaanintubbee ever since I knowed him was tolerable old, and his boy Lewis Tubbee and my boy about same size and same age as my boy.
- Q How long did you live in Neshoba County? A Born and raised in Newton County; born, and moved off to Neshoba County.
- Q How old were you when you first went to Neshoba County?  
A I moved---I never did live in Neshoba County in my life until nineteen years ago.
- Q Nineteen years ago? A Yes sir.
- Q Where was Abaanintubbee living the first time you got acquainted with him? A Little Creek, in Neshoba County.
- Q That was after you had gone to Neshoba County to live? A Yes sir.
- Q You were pretty near grown? A Yes, and he pretty near grown, and he went off and married then.



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By Townsend H. Foster:

Applicant moves the Commission for to set a day in the future, a short day, to hear the testimony of Scott Bell who is now in attendance upon the United States Court in Atoka, and asks to have a day set for that purpose. Applicant suggests that he can get him tomorrow.

By the Commission to W. H. Moore:

Q You object to any continuance? A I do indeed, sir.

By the Commission:

The objection of the Nations is sustained, as it is considered that applicant has had ample time to introduce the testimony of the witnesses, Scott Bell and John Willis, named in the motion upon which this rehearing was secured, and this case is now closed.

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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 6th day of January, 1905, and that the above and foregoing is a true transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 6th day of January, 1905.

*J. M. Campbell*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, February 7, 1906.

In the matter of the application of Tom Tubbee, et al,  
for identification as Mississippi Choctaws, consolidating the  
applications of:

|                          |        |       |
|--------------------------|--------|-------|
| Tom Tubbee, et al.,      | W.C.R. | 5209  |
| Simpson Tubbee, et al.,  | W.C.R. | 5210  |
| Cornelia Tubbee, et al., | W.C.R. | 5211. |

Statement.

A decision adverse to the applicants Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee, was rendered by the Commission to the Five Civilized Tribes, March 15, 1901.

The record in the case was transmitted to the Department April 22, 1904.

The Department on October 27, 1904 (I.T.D. 10852-1904) returned the record in the case together with a motion for a re-hearing, with directions that the Commission take additional testimony and to incorporate in the record to be transmitted, the testimony of Tom Tubbee, et al, taken at Philadelphia, Mississippi, on February 2, 1899.

The record was returned to the Department with the letter of the Commission to the Five Civilized Tribes of January 20, 1905.

The Department, on April 11, 1905, again returned the case to the Commission to the Five Civilized Tribes, and directed that the applicants be notified that they would be permitted to introduce at a fixed time, the testimony of Scott Bell and John Willis, and that Commission should issue in proper form for the taking of the depositions of John Marshall of Seale, Neshoba County, Mississippi, and Elan Bell of Coffadelia, Mississippi.

May 20, 1905, the record was again returned to the Department by the Commission to the Five Civilized Tribes, with the information that the applicants had failed to introduce any additional testimony.

The Department was also informed of the death of Townsend N. Foster, the attorney of record in the case of Tom Tubbee, et al.

The Department on September 23, 1905 (I.T.D. 10852-1904, 7156-1905) again returned the record in the case to the Commissioner to the Five Civilized Tribes, and stated as follows:

"The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbee at Kiowa, Ind. T.; Simpson Tubbee, care of Charles B. Tinsley, at Teles, Miss.; Cornelia Tubbee at Durwood, Ind. T., and J. G. Ralls, Esq., at Atoka, Ind. T., as well as the attorneys for the Choctaw Nation,

Tom Tubbee et al--2

that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905."

In the application of Tom Tubbee of April 27, 1904, attached to the motion for a rehearing, it is alleged as follows:

"That said Tubbee can prove by John Willis and Scott Bell of Kiowa, Indian Territory, that he is a grandson of said Walka Tubbee and that said Walka Tubbee received lands as aforesaid; that said Scott Bell has been acquainted with affiant since his childhood and knew affiant's grandfather in Mississippi; that John Willis has known affiant's family for many years, the exact number affiant is unable to state but that these men are informed as to the facts essential to be proven by affiant."

Proceedings had before the Commissioner to the Five Civilized Tribes in reference to the death of the witnesses John Willis and Scott Bell.

Riley Willis being first duly sworn, testified as follows:

- Q What is your name? A Riley Willis.  
Q How old are you? A Thirty.  
Q Where do you live? A Kiowa.  
Q Kiowa? A Yes sir.  
Q That is in the Choctaw Nation? A Yes sir.  
Q Are you a Mississippi Choctaw? A Yes.

The witness is identified upon the records of this office as a full blood Mississippi Choctaw Indian; schedule No. 546 roll of Mississippi Choctaws approved by the Secretary of the Interior January 13, 1905 opposite No. 319

- Q When did you remove from the state of Mississippi to the Indian Territory? A About 1902.  
Q What is your father's name? A John Willis.  
Q When did your father remove from Mississippi to the Indian Territory? A In 1902.  
Q Did he come at the same time you did? A No, he come December 24, 1902.  
Q Where did John Willis locate in the Indian Territory?  
A At Kiowa, close.  
Q Is John Willis living? A No sir, he died.  
Q When did he die? A He died April 23, 1905.  
Q How old a man was your father John Willis when he died?  
A About seventy-five.  
Q Do you know a man who had removed from Mississippi to the Indian Territory, named Scott Bell? A Yes.  
Q When did he come from Mississippi to the Indian Territory?  
A I think sometime about February.  
Q Of what year? A I think about the third day of February, 1904.  
Q Third day of February, 1904? A Yes sir.  
Q Where did Scott Bell locate? A He lived around Kiowa.  
Q Is Scott Bell living? A He died.  
Q When did he die? A He died about March.  
Q Of what year? A March 1905.  
Q How old a man was Scott Bell when he died?  
A I can't tell you about that; I don't know.

Tom Tubbee et al--3.

- Q Was he a pretty old man? A Yes.
- Q About as old as your father? A Yes about; I think so.
- Q Do you know Tom Tubbee? A Yes.
- Q Where does he live? A He lives in Kiowa.
- Q Is that where he gets his mail? A Yes, that's where he gets his mail.
- Q Do you know Simpson Tubbee? A Yes.
- Q Where is Simpson Tubbee? A I think in Mississippi.
- Q He has never moved over here yet? A No.
- Q Do you know where Simpson Tubbee lives in Mississippi?
- A He is getting mail at Toles, Mississippi.
- Q Do you know Cornelia Tubbee? A Yes, I know her; she lives at Ardmore.
- Q Do you know whether Cornelia Tubbee has married since she came over here? A Yes, she married.
- Q Do you know who she married? A I don't know; I seen her man.
- Q Is he an Indian or a white man? A A white man.
- Q Would you know his name if you heard it?
- A I think George Windom.
- Q What part of Mississippi did Tom Tubbee and Cornelia Tubbee come from? A Do you mean come from?
- Q Yes, what Counties did they come over from to the Indian Territory? A He used to live in Winston County, but he moved up to where I live in Kemper County. All of us got mail at Toles, Mississippi.
- Q Did you know a man in Mississippi named Charles B. Tinsley?
- A Yes, I know him still.
- Q Have you heard from him lately? A I didn't hear from him this year; I heard from him last year.
- Q Where was he living when you last heard from him?
- A He lived at the same place. Sometimes he gets his mail at Toles, and sometimes at Rio, Mississippi.
- Q Do you know a man named John Marshall? A I don't know him.
- Q Did you know a Choctaw Indian in Mississippi named Elan Bell?
- A Yes sir, an old man.
- Q Where is he now? A He lives in Mississippi.
- Q Did he ever come over here? A No.
- Q Do you know where he lives in Mississippi?
- A Yes, he lives in the edge of Kemper County.
- Q Do you know where he gets his mail? A I don't know where he gets it. He might get it at Coffadelia; that is the nearest postoffice.

There is attached thereto further proof of the death of John Willis (Il-le-ah-tubbee) the same being filed with the records of the Commissioner to the Five Civilized Tribes in reference to the continued residence of the said John Willis in the Choctaw-Chickasaw country to the time of his death.

Witness Excused.

Tom Tubbee, et al--4.

Josephine R. Pratt, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on February 7, 1906, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, taken in said cause on said date.

Josephine R. Pratt

Subscribed and sworn to before me this 7th day of February, 1906.

Myron White,  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
South McAlester, I.T., March 15th, 1906.

M C R 5209

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In the matter of the consolidated Mississippi Choctaw case  
of Tom Tubbee, et al.

ADDITIONAL PROCEEDINGS had in conformity with notice fur-  
nished applicants, their attorney of record, and attorneys for  
Choctaw and Chickasaw Nations, under Departmental direction of  
September 23, 1905 (I T D 10852-1904, 7156-1905).

APPEARANCES ( Tom Tubbee, applicant;  
) G. Rosenwinkel, representing Mansfield, McMur-  
) ray & Cornish, attorneys for Choctaw and  
) Chickasaw Nations.

TOM TUBBEE being first duly sworn, testified as follows:

Examination by Commissioner:

- Q What is your name? A Tom Tubbee.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Kiowa, Indian Territory.  
Q Aren't you the identical Tom Tubbee who is an applicant for iden-  
tification as a Mississippi Choctaw? A Yes.  
Q You have appeared before the Commission to the Five Civilized  
Tribes several times haven't you in this matter? A Yes.  
Q You and your witnesses? A Yes, I appeared at Muskogee.  
Q A little while ago? A Yes.  
Q It seems in an affidavit which you filed with the Commissioner  
in the matter of your case, you stated that there were certain  
Choctaw Indians who were acquainted with your grandfather.  
These men were John Willis and Scott Bell. Where is John Wil-  
lis? A He is living at Limestone Gap.  
Q Did you try to get him up here to-day? A Yes sir, I wrote  
him a letter to meet me here today, the 15th.  
Q Haven't seen him upon the streets or any place? A No sir.  
Q Did you hear from him at all? A No sir. I just wrote quick  
as I got that note from the Commission.  
Q Does he live near this place - in the town? A This town?  
Q Does he live at the station of Limestone Gap? A No, about two  
miles from the Gap.  
Q How old a man is John Willis? A I don't know exactly how old;  
about 40 or 45; may be older. He don't know himself how old he  
is.

(2)

- Q You think he is a man about forty or forty-five? A Yes sir.
- Q He's from Mississippi is he? A Yes.
- Q Did he know you in Mississippi? A Yes.
- Q Did he know your people down there? A Yes.
- Q What was your grandfather's name? A They called it Wakatubbee.
- Q Did he have any other name? A Yes sir, they got more names than one.
- Q What other names did he have? A Some called him Abaanintubbee and Alex Wakatubbee.
- Q Did he have any other names? A Yes, some called him Alex - Alex Wakatubbee.
- Q Is he the ancestor through whom you claim your right?
- A Yes sir, that's what I want to get you to understand. You see they have different names. The Choctaws they call first cousin for uncle; they call them brothers all the time - the old Choctaws; and they call uncles some times Grandpa, and uncle they call Pa; they call uncle Daddy and Pa. So this Alex or Alex Wakatubbee or Wakatubbee, his name - - my Pa - - - there wasn't but two brothers - - own brother of my Daddy; just two brothers, full brothers.
- Q Only two boys in your father's family? A Yes sir.
- Q What was your father's brother's name? A Scooch his Choctaw name. They called him Jim - white folks called him Jim, and my father's name I think they called him Hikentubbee or Kintubbee. I know it in Choctaw but I can't call it in English.
- Q What was your father's English name? A Lewis Tubbee.
- Q Did your father have any sisters - full sisters? A He had one he called sister; I don't know whether it's full sister or not. Just two boys was all there was of this Tubbee family. You know his Pa - my Daddy's Daddy - came to the Territory and died about the time of the 1830 treaty.
- Q Who are you talking about now that came to the Territory?
- A Wakatubbee.
- Q The old man? A Yes sir.
- Q Your grandfather? A Yes sir.
- Q Did he come out here to Indian Territory? A Yes.
- Q When did he come to Indian Territory? A About - about some time - about the time of the treaty or a little after the treaty.
- Q After the treaty of 1830? A Yes sir.
- Q Did he bring his boys with him? A No, he left his Ma - that's my Daddy's Ma. He left her there and his sister, or half sister.
- Q Was this sister a child of Wakatubbee, the old man? A Yes sir.
- Q Was she a daughter of Wakatubbee? A I don't know; daughter of him or his mother, one, I don't know. And this here Tubbee, Alex Wakatubbee or Abaanintubbee, that's the way it shows up and the way the Choctaws call it. This here's my uncle - my granduncle - my Pa's brother - my Daddy's Daddy's brother.
- Q Who is Alex Wakatubbee? Isn't Alex Wakatubbee or Abaanintubbee that you have been talking about your father's father?
- A Yes, my father's father, but they call him by this name. They say this Abaanintubbee or Alex Wakatubbee is the one that came to the Territory, but they call him by this same name - by his father's name.

- Q Well, did your father's father come to the Territory?  
A Yes, according to the way they give the name.
- Q What do you mean by that? A Well, this here name. You know they call the Choctaw Name - they call it one way this way, and then when you trace it up - now I can prove that's the way it is. I can't explain it like the lawyer could if he was here.
- Q Now your father's father, Wakatubbee, came to the Territory shortly after the treaty of 1830 did he? A Yes.
- Q Did he come when the rest of the Choctaws came over here?  
A Yes, about the time they all came over here.
- Q And he left your father and your father's brother and their mother over in Mississippi did he? A Yes.
- Q Now what became of that old man Wakatubbee, did he live here and die here or go back to Mississippi? A He died here if he aint living now. He may be living.
- Q Haven't you heard what became of him? A No.
- Q Did you ever see your grandfather Wakatubbee? A I seen one the way they call it - my grandfather - I seen him, but that's my Daddy's uncle.
- Q Your father's father's brother? A Yes, that's right.
- Q Well now what was he called? A They called him Alex Tubbee just like this way - Alex Tubbee.
- Q Did they ever call him Wakatubbee? A Yes, Alex Wakatubbee too. This here John Willis what I telling you about he called him that.
- Q Did they ever call him Abaanintubbee? A Yes.
- Q Did you mean to say that your father's father and his brother had the same names? A Yes, that's the way they called it, the name.
- Q They were called by the same names were they? A Yes.
- Q And your father's father came to the Indian Territory?  
A Yes.
- Q And your father's father's brother stayed in Mississippi; is that right? That's your father's uncle? A Yes.
- Q And you have seen your father's uncle, have you? A Yes.
- Q You saw him down in Mississippi before he died? A Yes, I seen him there in Mississippi.
- Q When did he die? A He died about '86, somewhere along there close to '86.
- Q How old was he when he died? A From what he said he was about ninety-five or ninety some odd years old when he died; that's what he claimed; he was an old man.
- Q Was your father's father older or younger than this man?  
A He's older. Yes, I think he was older. I don't know exactly.
- Q Did you or any of your family ever hear about your father's father after he came to the Indian territory? A Yes - - I don't know - - my mother's - - she said came to the Territory; she don't know - - she never heard from him after he came to the Territory.
- Q Your mother told you that? A Yes sir.
- Q What was her name? A Manda Tubbee.
- Q Is she living? A Yes.
- Q Where does she live? A She live Ardmore.
- Q She's not a Choctaw is she? A Yes, she claimed the Cherokee.
- Q How old a woman is she? A She's about fifty some odd I guess; close to about sixty; fifty some odd.
- Q Did she ever see your father's father? A I don't know.



- Q Well you said that she told you about him coming to the Indian Territory? A Yes. I don't know whether she ever seen him or not.
- Q Do you know whether she was living in 1830? A Who, my Ma?
- Q Your mother? A Yes, she was living - - let me see - - no, she wasn't living then.
- Q Was your father living in 1830? A I don't know whether he was or not.
- Q When did he die? A My Daddy?
- Q Your father Lewis Tubbee? A He died - let's see - about '99 I think.
- Q Do you know how old a man he was then? A He told me he was - he told me he about sixty years old before he died.
- Q Do you know whether your father was living in 1830? A No, I don't know. I wasn't here when he was here in 1830.
- Q Do you know whatever became of your father's father, Wakatubbee, after he came to the Territory? A No.
- Q But you understand from family history that he lived here and died here, do you? A Yes, lived in the Territory.
- Q What was your father's mother's name? A Father's mothers'?
- Q Your father's mother? A My Grandma?
- Q Yes? A I don't know.
- Q Was she a full blood Choctaw woman? A Yes, that what they said.
- Q You don't know her name though? A No, that's before I was born I reckon.
- Q You never saw her? A No, I don't think I ever seen her.
- Q Do you know when she died? A No.
- Q Do you understand that she remained in Mississippi when Wakatubbee came over here? A Yes.
- Q Did she get any land down there? Did she ever have any land down in Mississippi or any of those States? A Yes, she had land there, but I don't know how she got it.
- Q Do you know where that land was located? A Neshoba County.
- Q Was it near any towns or streams or anything that you can locate it by? A Somewhere not far from Philadelphia, Mississippi.
- Q Did your father ever have any land down in Mississippi? A Yes, he had land.
- Q Did he ever live on this same place that your father's mother had? A I don't know whether he did or not. I didn't know nothing about land then. I didn't know anything about what land it was he lived on, but my father had land there once I have been told where he lived then when I was a boy.
- Q Your father had land? A Yes.
- Q Where was that? A It was not far from Philadelphia too, close to - - not far from Owl Creek.
- Q How much land did he have? A I don't know how much he had.
- Q Do you know where he got it? A No.
- Q Or how he got it? A No.
- Q How does it happen, Tom, that you never told us when you were before the Commission before that your father's father had come to the Indian Territory; you didn't say anything about that then? A Yes, well you see Choctaw names - when they go to asking about the names though before the Choctaws they bring it out plain then so I can understand them. Call first cousins brothers, and two cousins brothers, and all them Choctaws in Mississippi will tell you the same.

- Q Well, when we asked you before about Abaanintubbee and whether he lived in Mississippi you said "Yes."? A Well, that's this here uncle I was speaking about.
- Q You were referring then to your father's father's brother, or your father's uncle, in other words? A Yes.
- Q You also stated that your father's father had a farm in Neshoba County, Mississippi? A Yes, that's my father's uncle.
- Q Your father's uncle? A Yes, my father's father's brother; that would be uncle.
- Q Do you know whether your father's father ever had any land in Mississippi? A Father's father - - No, no, I don't know, if he ever had any there.
- Q Do you know the name of the father or mother of Wakatubbee? A No, I don't know.
- Q You don't know the names of any of your ancestors further back than Wakatubbee? A Than Wakatubbee.
- Q How much of a family did your father's father's brother have, do you know? A My uncle?
- Q Your father's uncle; how much of a family did he have? A He had, you see - he called these two boys the way he counted them - why, there's Scooch and Lewis, that's my Daddy, and John.
- Q Scooch and Lewis were the children of the Wakatubbee who came to the Territory were they? A Yes.
- Q What children did the Wakatubbee have who remained in Mississippi - who stayed down there - what children did he have? A There's John, but he went by John Alex Wakatubbee; that's this Wakatubbee I was telling you about, is my uncle.
- Q Where did he live? A He's dead. He used to live at Owl Creek - Bokchito they called it.
- Q Were there any other children? A Yes, one called Willis.
- Q Living or dead? A Dead.
- Q Any others? A One called Austin.
- Q Is he living or dead? A Let me see - - he's dead.
- Q Any others? A And they called this here - now, these others -
- Q Who are you talking about now? A There's another one, but I cannot call his name; that's as far as I know; I can't think of this other name.
- Q You think there were four of them, four children? A Yes. Let me see - three is all I know.
- Q Did you ever see these uncles of yours - these three that you have named? A Yes.
- Q How long ago did John die? A He's been dead about - - he died somewhere along about '88 or '89.
- Q How old was he at that time, do you know? A About thirty-five or forty. I don't know exactly how old, somewhere along there.
- Q Did he have any children? A No, he had a wife but he never had any children.
- Q What was his wife's name? A I don't know her name.
- Q Did John have any Indian name? A John?
- Q Yes? A Yes, but I don't know his name.
- Q How long ago did Willis die? A Died before John.
- Q Older or younger than John? A Older.
- Q Did he have an Indian name - Willis? A Yes, but I don't know what it was.
- Q Did he have any children? A Willis?
- Q Yes? A Not that I know of.

- Q How long ago did Austin die? A He's the last one that died.
- Q Was he older or younger than these others you have named?
- A I don't know which was the oldest. I think Austin was older than Willis.
- Q Did Austin have an Indian name? A He had an Indian name but I can't call it now.
- Q Did he have any children? A Yes sir.
- Q How many and what were their names? A One of them dead.
- Q What are the names of the living ones? A One of them living is named John Long, named after a white man.
- Q Is he in Mississippi? A No, I think may be Territory; may be at Ardmore, he came here; I don't know whether he's gone back or not.
- Q You don't know where he is? A No.
- Q Is he the only one of these boys living, of Austin's children?
- A Some more of them is living but I don't know anything about them.
- Q Now, these people that you have named, John, Willis and Austin, are the children of the Wakatubbee who stayed in Mississippi, is that right? A Yes, that's the name - one of the Wakatubbee that stayed.
- Q Stayed in Mississippi? A Yes.
- Q And that man was your father's uncle? A Yes, my great uncle.
- Q You don't remember the name of your father's mother?
- A No, I don't remember.
- Q You never saw her? A No, I don't know as I did.
- Q Now do you think that John Willis who lives down at Limestone Gap knows anything more about your family than you do?
- A I don't know; I guess so.
- Q Do you think that he probably knows more about it? A Yes, I think so.
- Q You also referred to Scott Bell as being a witness for you; where is he? A He's dead.
- Q How long ago did he die? A He died last March, the 7th.
- Q He died herein the Territory did he? A Yes; last year March 7.
- Q Do you know Elan Bell? A Yes, I know him.
- Q He lived in Mississippi doesn't he? A Yes.
- Q Whereabouts do you know? A No, I don't know exactly.
- Q Is he an old man? A Yes, pretty old.
- Q Do you think he knows anything about your family history?
- A I don't know whether he do or not.
- Q Do you know John Marshall? A No.
- Q Do you know anybody else down there in Mississippi - old Choc-taws - whom you think knows more about your family history than you do? A They about all dead.
- Q Were you born in Neshoba County? A I think so.
- Q Did you live there all your life until you came to the Territory? A I was born along the line. I lived in Mississippi from Neshoba some. Down in Winston just traveling about making baskets and blow guns; justb traveled about from one county to another.
- Q Did your father and the rest of your family live in Neshoba County so far as you know? A My father, yes sir.
- Q Did your father's father live in Neshoba County before he came to the Territory? A Yes.
- Q Did your father's uncle Wakatubbee, the man who stayed back in Mississippi, live in Neshoba County? A Yes sir, that's his

- home, but he traveled just like the rest of them.
- Q Now Tom when you were testifying before the Commission in Muskogee about Wakatubbee, your grandfather who lived in Mississippi and died there, did you mean your father's uncle?
- A Yes, that's the way; I was going by this here father's uncle.
- Q You got mixed up by the term "grandfather" did you? A Yes.
- Q Among the Choctaws do you some times call your father's and mother's uncle grandfather? A Yes.
- Q Then to the best of your knowledge and belief your father's father, Wakatubbee, came to the Indian Territory, at the time most of the Choctaws came, in 1830, and lived and died here?
- A Yes, about the time or a little after the treaty. My uncle - this here Wakatubbee - he came to the Territory here too and brought my Daddy and Jim Scooch out here--boys out here and drew money here somewheres in the Territory and went back; drew a hundred dollars a piece.
- Q Do you know when they came here? A No, about '66 or '68, somewheres along there.
- Q Do you mean to say that Wakatubbee, your father's uncle, also came to the Territory? A Yes, he came but he went back.
- Q Did he come at the same time your father's father did? A No, after.
- Q He came afterwards? A Yes.
- Q Did he bring Scooch with him? A Yes.
- Q Did he bring Lewis with him? A Yes; and one came with him named Golden - Abe Golden's Daddy.
- Q How long did they stay here at that time? A They just came and went back, and went back right away.
- Q Stayed a short time and went back? A Yes.
- Q Do you know whether they ever found your father's father, Wakatubbee, here at that time? A No, I don't know.
- Q Never heard anybody say as to whether they found him here?
- A No.
- Q Didn't your father ever tell you whether he seen his father when he came to the Territory? A No.
- Q Did he say he had not seen him? A Never heard him say; only heard him say he reckoned his father was dead.
- Q Never know anything about him after he left Mississippi?
- A No, not as I know of.
- Q You stated Tom when you first came up here that you had a lawyer who was going to be with you to-day; what is his full name?
- A Rogers; lawyer lives in Kiowa. I don't know his full name.
- Q Lives at Kiowa? A Yes sir.
- Q Is he a white man? A Yes.
- Q He don't know anything about your family does he? A No, he just wanted to help me; I don't know how to present the case, and I was to pay his expenses up here.
- Q You looked around for him and couldn't find him on the street?
- A No, he aint here I don't think. I told him I would meet him at the depot but he aint there.
- Q Have you told me all you know about your family, or is there something else you want to say? A I don't know, without you want to hear the evidence of these other folks I told you about; about the names - - changing the names - calling by one name and the other.

We will try to get the testimony of these other people.

- Q What are the names of your own brothers and sisters?  
A Simpson Tubbee and William Tubbee and John Tubbee and Jeff Tubbee, Adolph Tubbee and Josie Tubbee, that's my sister, Josephine white folks call her; Cornelia - Needam Moore's wife named Cornelia.
- Q Is that all? A Roxie Tubbee.
- Q These are your own brothers and sisters are they? A Yes, that's all.
- Q Where does Simpson live? A In Mississippi.
- Q Where does Cornelia live? A Ardmore.
- Q Where does Jeff live? A Ardmore.
- Q Where does Adolphus live? A Ardmore.
- Q Where does Josephine live? A She's dead.
- Q Where does John Tubbee live? A I don't know; he went off; he left Mississippi in '99.
- Q You don't know where he is? A No, I don't know where he went.
- Q Where's Roxie? A She's dead. That name Roxie is Frank Stribbling's wife. Josie is Solomon Willis' wife; he's my brother-in-law and Frank is my brother-in-law.
- Q Your wife is named Bettie Tubbee? A Yes.
- Q She's a white woman? A Yes.
- Q How many children have you? A Six living and one dead.
- Q Just give me the names of your living children? A Mollie and William, call it Willie, and Andrew and Pinkie and Pearlle.
- Q Are those all that are living? A Yes, and Luke, one, he's the baby now.
- Q And these ones are all that's living now? A Yes.
- Q How old is Luke? A Little over two months old.

By Mr. Rosenwinkel:

- Q Tom, you know the difference between your grandfather and your uncle? A Yes.
- Q You know who your grandfather is don't you? A Yes, I know him by the Choctaw name.
- Q When the Commission asked you who your grandfather was you knew that they were asking you about your father's father or your mother's father didn't you? A Yes, but I can't understand when he says your mother's father's father that way.
- Q Can't understand your mother's father? A Too many that way.
- Q I am asking you now if you don't know who the Commission means when they ask you about your father's father? A Yes, that's grandfather.
- Q You know that? A Yes.
- Q You always knew that didn't you? A No, I didn't always know it.
- Q You mean to tell the Commission that you don't know the difference between your father's father and your father's uncle?
- A Well, just this, the way you name it; of course I just go by the name.
- Q Do you know now who is meant when the Commission asked you about your father's father? A Yes.
- Q You understand that? A Yes.
- Q When you appeared before the Commission the last time didn't you understand when they asked you who your father's father was?
- A Yes.
- Q You understood that? A Yes.

- Q Why do you come now then and say when you appeared before the Commission before you testified about your father's father's brother? A Well, it's the name - just this way - Choctaw give the name and call it my grandfather by this uncle name, but it's just uncle - that's where I made the mistake. I know what he meant but the name is different name you know.
- Q Well Tom didn't you and Judge Foster fix up a petition to have this case sent back to the Dawes Commission? A Yes.
- Q And didn't you tell Judge Foster that your father - your father's father was named Wakatubbee? A Yes.
- Q And that he lived in Mississippi and got land under the treaty; didn't you tell Judge Foster all of that? A Yes, I believe so.
- Q He put it in a paper and read it over to you and you swore to it; did you not? A Yes, I guess so.
- Q And now you come before the Commission and say that all that swearing that you did in that affidavit and before the Commission and everywhere these different times you never meant your grandfather at all, but you meant his brother? A Well, that's the name they called; that's the way it came out you know.
- Q That's the way it has come out now? A Yes.
- Q You lived with your mother over there a good long time didn't you in Mississippi? A Yes.
- Q And your father also? A Yes.
- Q Now what did they tell you about your grandmother's name?
- A Name?
- Q Yes? A I don't know her name.
- Q Never told you anything about that at all? A I don't know; I have heard it but I don't remember the name.
- Q Now you say your grandfather Wakatubbee came over to the Indian Territory? A Yes.
- Q And nothing was ever heard of him again after that, was there?
- A Not as I know of.
- Q Well, why did you testify before the Commission on the 6th of January last year when you went to Muskegee that your grandfather, Wakatubbee, was a pretty old fellow when he died?
- A Yes, pretty old.
- Q How did you know when he died? A Well, this here name that I was telling you about, that name according to this name - this here uncle his name was Wakatubbee too.
- Q I am talking about your grandfather, not about your uncle; why did you tell the Commission that he was a pretty old man when he died? A Well, of course he was old.
- Q Well, didn't you just say that he removed from Mississippi and left his wife and children in Mississippi right after the treaty of 1830, and came to the Territory, and that nobody has ever heard anything from him since that you know of? A Yes.
- Q Well how do you know when he died? A Well I said I never heard anything more from him.
- Q Why did you tell the Commission that he was an old man when he died? A Because of this name that I was telling you about - he died in Mississippi; that's the same name they had reference to - Wakatubbee - and I know him.
- Q Here's a question that was asked you: "How old a man was your grandfather at the time of his death," and in reply to that you stated that he was "a pretty old fellow." A Well, he was an old fellow then.

- Q He was an old fellow; how did you find that out? A Well, he couldn't be very young could he? My father was about sixty years old when he died.
- Q Well, the last time that you or any of your people ever heard of him he left Mississippi? A Yes.
- Q Well you don't know whether he lived fifty years more or whether he died the next day? A No, not according to that.
- Q Now Tom do you mean to tell the Commission that your father-- that your grandfather and his brother both had three names -- three different names-- and that each of those three names were alike? A Yes, I guess so.
- Q How do you know that? A Well, that's what all of the Choctaws that knew them by the Choctaw name called them.
- Q They called them all the same name? A Yes.
- Q Then when anybody talked about these two men which one did you know they was talking about? A The way the Choctaws talk they give the name and tell something about what he did and how he works and what he follows. They didn't call them out by name the way you do.
- Q Called everybody the same name? A No, not everybody. When they are talking about Choctaws they don't hardly ever call his name. They just tell about a certain fellow and if you can't understand it then they call it English name and if you don't understand it then they call it Choctaw name.
- Q Tom, how old was your father when he died? A When he died he was about sixty he says. That's what he said.
- Q That's what he said? A Yes.
- Q When did he die? A He died '99, in June.
- Q Now what is your family information about when your grandfather Wakatubbee came to the Indian Territory? A When did he come? Yes? A Along about the time of the treaty or a little after.
- Q Little while after. Did he come with the other Choctaw Indians when they came out here? A Yes, about the same time I think, or a little while after when they came, so my folks told me, but they called him by that name just like the Wakatubbee.
- Q Do you know when the Choctaws came out here? A No.
- Q Do you know when the treaty was made? A No, I don't expect I ought to know; I expect it was long time.
- Q You don't know what year? A No.
- Q Where was your father born? A He said he was born in Neshoba.
- Q Did your father have any older brothers and sisters? A Older than ~~was~~ him?
- Q Yes? A I don't know whether they was older or not.
- Q Did he have any younger ones? A I don't know which one was the oldest.
- Q You don't know? A No.
- Q Well according to your statement your father was born in Neshoba County in 1839, and you have also testified that your understanding is that your grandfather Wakatubbee came to the Indian Territory, shortly after the treaty was made, with the other Choctaw Indians, which must have been between the years 1832 or 3; that being the case, why your father could not be the child of Wakatubbee, could he? A No, don't look like it, that Wakatubbee that you speak about, the other one.
- Q You think he might have been the child of the other Wakatubbee? A Yes, that is, don't look like he could about that time.
- Q Well Tom after your grandfather left over there in Mississippi did this other Wakatubbee go and take up and live with your grandmother? A I don't know.
- Q What have you ever heard about that? A I don't know.

By the Commissioner:

- Q Do you know just the time thatn your grandfather Wakatubbee came to the Territory as you say? Do you know what year it was?
- A Which one?
- Q That your grandfather Wakatubbee came to the Indian Territory?
- A No, he came about somewhere along about the time of the treaty.
- Q You don't know the year or the exact time? A No, I don't know the exact time, somewhere about the time or a little after.
- Q You just understand that he came about the time the rest of the Indians came to the Territory, is that right? A Little after they came.
- Q Do you know how old your father was when he died? A He told me - - he said he was about fifty nine when he died - and he says may be sixty.
- Q Did he tell you that the same year that he died? A About two days before he died I talked to him.
- Q That he was about fifty nine or sixty? A Yes.
- Q Do you know whether your father was living when the treaty was made? A I don't know.
- Q You never heard him say about that? A No, he wouldn't talk about that much. He didn't want to come, he was against it and he didn't want it.
- Q Do you know who your father lived with when he was a boy before he got a family of his own? A No, I don't know.
- Q Did you know this Wakatubbee who stayed in Mississippi, your father's uncle? A Yes.
- Q You have seen him have you? A Yes.
- Q Do you remember him distiinctly? A Yes, I knew him.
- Q Did your father call him his Daddy or his uncle? A He called him Daddy - - Choctaw name call him Daddy.
- Q What did he mean by that, did he mean he was his father?
- A I don't know; they call uncle Pa and cousin brothers.
- Q Did your father ever tell you that this Wakatubbee who lived in Mississippi was his uncle - was his father's brother? A No.
- Q How do you know that he was your father's brother then - the one that stayed in Mississippi? A Yes.
- Q Did your father tell you that that man Wakatubbee whom you had seen and who lived in Mississippi was his uncle? A Yes.
- Q He has told you that has he? A Yes, I heard him talking - he wasn't talking, but I heard Choctaws talking you know and he call him "my uncle", but they call him Pa all the time, that's the way they called his uncle, called him Pa, and he - when his Pa left - Alex Wakatubbee - same name - he raised him up, and he came here and drew money and went back and he never gave him no money after he drew it.
- Q Your father was raised by this Wakatubbee who stayed in Mississippi? A Yes, they called him Alex Tubbee; he was raised by him after his Pa came to the Territory.
- Q But you have heard your father say that this man Wakatubbee who lived in Mississippi and raised him was his uncle, have you?
- A Yes, uncle.

By Mr. Rosenwinkel:

- Q Tom, isn't it a fact that your father didn't know just who his father was; he wasn't sure about who his father was, was he?
- A I don't know. He said his name was Wakatubbee that's all I know.



- Q Did your father ever tell you that there was two Wakatubbees?  
A More than two, he said there was a heap of Wakatubbees; I heard him talking - there was Wakatubbee and Wakatubbee - and you have to talk it this way to tell the difference - tell what his work was and what he followed, before they could tell which one you was talking about. Now there's two John Willis and two Tom Tubbee; there's a fellow in Mississippi named Tom Tubbee.

By the Commissioner:

- Q About what time was it when your father Lewis and his uncle Wakatubbee came to the Territory and drew that money?  
A He said along about, as well as he could count, you see he didn't know A, B, C, but he just guessed at it, he didn't know how old he was; that's the way with all Indians, guess they are about one hundred years old when they are only about fifty. I know all about how they do and talk. I worked in the grand jury room and interpreted for the jury.  
Q About what time did he say they drew this money? A He said along about '66 or '68 after the treaty.  
Q Before or after the war? A It was after the treaty; I didn't know about the war; I guess before the war.  
Q Do you know if it was before or after the war; did you ever hear your father say? A I don't know; I think before the war.  
Q Do you know how long before the war? A No, but he said - he was talking about the war after he came back.  
Q How large a man was your father when he came over here?  
A He was a minor under this uncle.  
Q Before he married? A Yes.  
Q Just a boy? A Yes.

By Mr. Rosenwinkel:

- Q Tom, you say that you formerly acted as interpreter for the Court at Philadelphia, Mississippi? A In the grand jury?  
Q Yes? A Yes, I worked there.  
Q As interpreter? A Yes.  
Q You interpreter from the Choctaw language in the English and from the English into the Choctaw? A Yes.  
Q You understand the English pretty well? A Yes, I understand the common language well enough, but I can't understand the fine language. I never went to school any.

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Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of March, 1906, and that the foregoing is a correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 13th day of April, 1906.

*J. M. McDermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Ardmore, I. T., March 16th, 1906.

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M C R 5211

In the matter of the consolidated Mississippi Choctaw case  
of Tom Tubbee, et al.

ADDITIONAL PROCEEDINGS had at the Chickasaw Land Office at  
Ardmore, Indian Territory, on March 16, 1906, in conformity with  
notice furnished applicants, their attorney of record, and the at-  
torneys for the Choctaw and Chickasaw Nations, under Departmental  
direction of September 23, 1905 (I T D 10852-1904, 7156-1905).

( Cornelia Tubbee, and witnesses;  
Appearances( Robt. E. Lee, attorney for applicant;  
( No appearance on behalf of Choctaw and Chick-  
asaw Nations.

CORNELIA WINDOM, nee Tubbee, one of the applicants in the  
above consolidated case, being first duly sworn, testified as fol-  
lows:

Examination by Commissioner:

- Q What is your name? A Cornelia Windom.  
Q Formerly Cornelia Tubbee? A Yes sir.  
Q How old are you? A Thirty-four.  
Q What is your post office address? A Ardmore.  
Q What is your husband's name? A George Windom.  
Q He is a white man is he? A Yes sir.  
Q What was your father's name? A Lewis Tubbee.  
Q What was your mother's name? A Manda Tubbee.  
Q Was your father a Choctaw Indian? A Yes sir, Choctaw Indian.  
Q How much Choctaw blood did he possess? A Full blood.  
Q What blood does your mother possess? A Half blood. Half  
white and Cherokee.  
Q Is your father living or dead? A Dead.  
Q Is your mother living or dead? A She's living.  
Q You claim your right through your father do you? A Yes sir.  
Q When did he die? A I don't know exactly what year he died,  
but it's been about six or seven years.  
Q How old a man was he at the time of his death? A I don't  
know.  
Q Pretty old man? A Yes sir, pretty old man, but he didn't  
know his age and we don't know.  
Q Do you know the name of your father's father--your grandfather?  
A Yes sir, Wakatubbee.  
Q Did he have any other name? A Yes sir, his English name was  
Lewis Tubbee; Choctaw name Wakatubbee.  
Q You are talking about your father's father? A Yes sir.  
Q He also was called Lewis Tubbee? A Yes sir.  
Q Was he ever called any other names? A Not as I know of.

(2)

- Q Did you ever see him? A No sir.
- Q Do you know when he died? A No sir, I don't know when he died.
- Q Do you know the name of your father's mother? A My father's mother was - it was either Sookey Jefferson or Mollie Jefferson; three sisters - one Sookey, one Mollie, and I can't think of the other name; one of them three was his mother, but I think her name was Sookey Jefferson.
- Q Full blood Choctaw Indian? A Yes sir.
- Q Was Wakatubbee a full blood Choctaw Indian? A Yes sir.
- Q Is your father's mother dead? A Yes sir.
- Q Do you know when she died? A No sir.
- Q Did you ever see her? A No sir.
- Q Did both Wakatubbee and his wife die before you had any remembrance of them at all? A Yes sir.
- Q Do you know where Wakatubbee died? A Well, I don't know whether he died in Mississippi or in the Territory.
- Q Did your grandfather Wakatubbee have any brothers? A I don't know. Well, I know too that he had - - my grandfather?
- Q Yes? A He had one brother, but if he had any more I don't know.
- Q What was this brother's name? A Abaanintubbee, Choctaw name; his English name was Alex Tubbee.
- Q Did you ever see this Alex Tubbee or Abaanintubbee? A Yes sir, but I can't remember him.
- Q Where was that? A In Mississippi.
- Q He was a full brother of your grandfather was he? A Called to be a full brother, as we have been taught. We have been taught that was his brother.
- Q Do you know whether your father, Lewis Tubbee, was living in 1830, that would be seventy six years ago? A I don't know.
- Q Do you know whether his father, that is, your father's father, was living in 1830? A No sir, I don't know.
- Q Do you know whether your father's mother, Sookey Jefferson, was living in 1830? A No sir, I don't know.
- Q Do you know whether your grandfather, that is, your father's father, ever came to the Indian Territory? A Well, I don't know for certain whether he did or not, but some says he came to the Territory, but I didn't know whether he went back to Mississippi or stayed in the Territory or what became of him.
- Q Who told you that your grandfather had come to the Indian Territory? A Mother.
- Q Your mother told you that? A Yes sir.
- Q Did she tell you that your grandfather had come with the rest of the Indians when all the Indians came to the Indian Territory or did he come at some other time? A Well, it was somewhere in that time; that was the cause of him coming - by others a coming, but whether he ever went back to Mississippi I don't know.
- Q You never heard that he went back to Mississippi? A No sir.
- Q But you did hear that he at one time came to the Territory?
- A Yes, I heard mother say that he came to the Territory.
- Q Did your father Lewis Tubbee ever come to the Indian Territory?
- A Yes sir.
- Q When did he come to the Territory? A Well, I don't know what year it was.
- Q Was he a boy or was he a man? A Yes sir, he was a boy.
- Q Who did he come with? A His uncle Alex and his brother.

(3)

- Q What was his brother's name? A Scooch.  
Q That is your father's brother? A Father's brother was Scooch.  
Q Did they stay long when they came to the Territory? A I don't know how long they stayed.  
Q They went back and your father afterwards lived in Mississippi?  
A Yes sir.  
Q Did he die in Mississippi? A My father?  
Q Yes? A Yes sir.  
Q All your brothers and sisters were born in Mississippi?  
A Yes sir.  
Q Who raised your father - brought him up when he was a boy?  
A His uncle.  
Q Alex? A Alex Tubbee.  
Q Who was your grandfather's brother? A Yes sir.  
Q How many brothers and sisters did your father have?  
A I don't know.  
Q You just know of one brother? A I just know of one brother. Scooch, what became of Scooch, your father's brothers and sisters? A My father only had one as far as we know. He might have had more, but Scooch is the only one I know.  
Q What became of him? A He died.  
Q How long ago did he die? A I couldn't tell you how long; good while; good many years ago.  
Q Did he have any family? A Yes sir, he had one son.  
Q Do you know his name? A Hotalubbee. His English name was Robert.  
Q Robert what? A Robert Tubbee.  
Q Is he still living? A No sir.  
Q Do you know whether your father, Lewis Tubbee, ever had any land in Mississippi or in any of those States down there?  
A Yes sir, he had land but I don't know how or what side this land came from; I don't know whether it was his father's land or his mother's land.  
Q Where was this land located? A It was located somewhere near Owl Creek.  
Q Near what town? A Philadelphia.  
Q How much land did he have there? A I don't know.  
Q Did he live on it? A Yes sir.  
Q Lived on it until his death? A No sir.  
Q You don't know how he got that land? A No sir, I don't know.  
Q Do you know whether your grandfather ever had any land in Mississippi, your father's father? A Why, it was either by - it was by my father's father that he had this land, or his mother.  
Q That is, that's the way your father got it? A Yes sir.  
Q From either his father or mother? A Yes sir, through some of his ancestors, his father or his mother.  
Q You don't know which one of them had it? A No sir, I couldn't tell which one it came through.  
Q You don't know how they got it, your father's father or mother?  
A No sir, I don't know how they got it.  
Q Your grandmother you state was named either Sockey or Mollie Jefferson? A Yes sir; there was three of them.  
Q But your grandmother was either Sockey or Mollie? A Yes sir, I think, but I wouldn't say for certain that that's the name, but I think it was Sockey.  
Q Did she have any Indian name? A I don't know sir.  
Q You never saw your grandmother? A No sir.

- Q You don't know when she died? A No sir.
- Q Is your mother, Manda Tubbee, here today? A Here at this town?
- Q Yes? A No sir, she's out in the country.
- Q Did she know your grandfather or grandmother? A She knowed my grandmother, she's seen her.
- Q She's seen her? A Yes sir.
- Q What are the names of your brothers and sisters? A Simpson, next Tom, one Will, one John, one Jeff and one Dolphus.
- Q Are all of those you have named living? A No sir.
- Q Which ones are dead? A Well, there's one gone, I don't know whether he's living or dead.
- Q Which one? A John.
- Q Is Will living or dead? A He's living.
- Q Where's he living? A In the Territory.
- Q Did your grandfather's brother, Alex Tubbee, ever get any land in Mississippi? A I don't know sir.
- Q You have seen him? A Yes sir.
- Q Didn't you ever hear him say anything about the old times and his getting land? A I couldn't remember; I just remember seeing him, but I can't remember nothing more; I was small.
- Q Did you understand that your grandfather, Wakatubbee, came to Indian Territory before his brother Alex Tubbee came with the two boys? A (No answer)
- Q You stated that your father's uncle, Wakatubbee, brought his brother and your father to the Territory; did your grandfather come before that time to the Territory? A Well, I don't know, but I think it was before that time.
- Q He didn't come at the same time that his brother and the two boys came? A No sir.
- Q Was your grandfather ever heard of after he came to the Territory; ever heard of by his family after he came to the Territory? A Well, I don't know.
- Q Do you know anything else about your father's people which would help us in determining your right? Can you think of anything else you want to say? A Well, I don't know.
- Q You have stated all you know about your grandfather and grandmother have you? A Yes sir.

By Mr. Robert E. Lee:

- Q Mrs. Windom did you ever hear your father and your mother talking and your father telling about his having gotten money at any time? A Yes sir.
- Q Tell what he said about it? A Well, I just heard ~~wakax~~ him talk about when he was a boy going to the Territory and drawing money, him and his brother Jim Tubbee--Sooch, and his uncle Alex was with him and he was the guardian of these two boys.
- Q Alex Tubbee you say was guardian of your father and your father's brother? A Yes sir, he raised them.
- Q And for that reason Alex Tubbee is some times mentioned as your father's father is he not, among the Indians? A Yes sir, among the Indians he was called the father, but it was not his father, it was his uncle.
- Q Do you remember whether your father said he got this money at Fort Coffey or Fort Smith or where it was paid to him?
- A At a place they used to call Scullyville.
- Q Now you say that your father in English was called Lewis Tubbee?
- A Yes sir.

- Q What was the Indian for Lewis Tubbee? A His Choctaw name was Kanitubbee or Kanatubbee.
- Q Now you say your father was sometimes called Kanitubbee or Kanatubbee; now was he sometimes called Lewis Kanitubbee and sometimes Lewis Wakatubbee or how was that? A No, he went by the name of Lewis Tubbee, and Kanitubbee was his Choctaw name.
- Q Now what was your grandfather called, both in Choctaw and in English? A Wakatubbee Choctaw name; Lewis Tubbee was his English name - my father.
- Q Your father was named after his father? A Yes sir. Both names Lewis in English, but Choctaw names was different.
- Q Was the word Kanitubbee applied to your father and grandfather, or was that just to your father? A Just to my father, that was his Choctaw given name.
- Q Kanitubbee? A Yes sir.
- Q You spoke of Robert Tubbee just a moment ago; what kin was Robert Tubbee to your father? A This Robert Tubbee was my father's nephew.
- Q Your father's brother's child? A Yes sir.
- Q Can you mention the children of Robert Tubbee by name? A Effie, Rachel, and Annie, Bettie and Bessie.
- Q These children just mentioned then are the second cousins of yourself; is that correct? A Yes sir.
- Q You mentioned your father as being Wakatubbee? A It's in that line; I don't know how it's spelled, but it's in the line of Wakatubbee or Wakiatubbee.
- By the Commissioner:
- Q How much money did your father get when he drew money over here in the Territory do you know? A Three hundred and some odd dollars.
- Q Did he get that much himself or did all three of them get three hundred? A I think it was three hundred a head.
- Q Got that at Scullyville? A Yes sir.
- Q And after getting that money they went back to Mississippi? A Mississippi, yes sir.
- Q Do you know the exact location of this land which your father got from one of his ancestors in Mississippi? A Know the numbers and all?
- Q Yes? A No sir.
- Q What town is it near? A Philadelphia.
- Q On Owl Creek? A Close to Owl Creek, Pearl river and Nanne Warrior.
- Q Do you know what became of that land after your father got it? Who owns it now? A No sir.

Witness excused.

DIBBIN MARRIS being called as a witness and duly sworn, testified as follows:

By the Commissioner:

- Q What is your name? A Dibbin Marris.
- Q How old are you? A Just about sixty five.
- Q What is your post office address? A Ardmore.
- Q Are you a full blood Mississippi Choctaw? A Yes sir.
- Q You are on the roll are you not? A Yes sir.

(6)

- Q Are you acquainted with the witness who has just beennon the stand, Cornelia Windom? A Yes sir, I know some old folks; I don't know all, but I know some.
- Q Did you know Cornelia's father? A Yes.
- Q What was his name? A Kanitubbee.
- Q What was his English name? A Lewis Tubbee.
- Q When did he die? A He died about - - well, it's been about twelve years ago I reckon.
- Q Was he older or younger than you? A Just about the same.
- Q He died in Mississippi did he? A Yes, he died in Mississippi.
- Q Where did he live when he died? A In Meshoba.
- Q What was Cornelia's mother's name? A Manda. I call her Manda Lewis.
- Q Did you know Lewis Tubbee pretty well? A Yes, raised together
- Q Did you know Lewis' father? A Lewis' father? He was died before I remember him.
- Q Do you know what his name was? A Wakatubbee.
- Q Do you know what Lewis' mother's name was? A Two or three women there - I don't know which one - one named Sookay and one named Mollie.
- Q Did you ever see his mother, Lewis' mother? A I don't know - yes, I seen it but I don't know which one was his mother.
- Q What was her other name; any Indian name? A I don't know; just named Sookay and Mollie that's all I know.
- Q Who raised Lewis? Who brought him up? A This Abaanintubbee; called Alex sometimes.
- Q What kin was he to Lewis? A Lewis' Daddy was his brother I think - old Alex.
- Q Did you ever see old Alex? A Yes.
- Q When did he die? A About thirty years ago.
- Q Died in Mississippi? A Yes sir.
- Q Do you know where Wakatubbee died, Lewis' father? A Died at his place; I no seen him die; he died good while ago.
- Q Died in Mississippi? A Yes, died in Mississippi.
- Q Do you know that? A Yes, I seen the little patch where he was buried; I seen his home.
- Q You understand I am talking about Lewis' father, Wakatubbee, down in Mississippi? A I seen that grave.
- Q You seen that? A Yes.
- Q It was pointed out to you as being the grave of the father of Lewis? A Yes; old Wakatubbee.
- Q Do you know when he died? A I don't know about the time he died.
- Q Did Wakatubbee ever come to the Territory as far as you know? A I don't know.
- Q Did old Alex ever come to the Territory? A old Alex and Lewis Tubbee and James and Scooch all came and drew money.
- Q When was that? A I don't know what time. They came and got money and went back home.
- Q Didn't stay over here? A No sir.
- Q Did Wakatubbee ever come with them? A I don't know whether he did or not.
- Q Do you know whether Wakatubbee ever had any land in Mississippi, A I don't know which one had land. They had a piece of land that they stayed on there.
- Q How many brothers and sisters did Lewis have? A I think he had about three, I think.
- Q What were their names? A I don't know at all.

- Q Do you know any of the names? A I don't know names, but sister name I think she was Sookey and Mollie, I don't know which one of them name on there.
- Q Did he have any brothers? A Yes.
- Q What were their names? A I don't know.
- Q Didn't you say a while ago that he had a brother named Jim Scooch? A Yes, Lewis Tubbee's brother.
- Q Did Lewis Tubbee have any brothers or sisters aside from Jim Scooch? A I don't know sisters, but just two brothers.
- Q Just Jim and Lewis? A Yes.
- Q No others as far as you know? A No.
- Q Do you know how much money Jim and Lewis got when they came to the Territory? A No, they never told me how much they got. They said they drew money when they came back. They said they bought a pony with the money.
- Q Bought a pony with the money they got? A Yes.
- Q Are you sure now Dibbin that you have seen the grave of Wakatubbee in Mississippi? A Yes.
- Q Sure it wasn't some other Wakatubbee; you are sure it was the grandfather of this woman are you? A Yes, he been dead good while there.
- Q Where was the grave? A Close to Owl Creek on one side and call it Pearl river and call it Nanne Warrior.
- Q Did Lewis' mother have any land in Mississippi? A Lewis' mother? I don't know about that.
- Q Did Lewis Tubbee ever have any land there? A I don't know. I think Lewis - - - Old man ~~Kwik~~ Alex he bring it here and draw little money here Fort Smith and come back and had little money and buy pony with him.
- Q Well did Lewis Tubbee ever have any land in Mississippi so far as you know? A He had a piece of land there.
- Q Work it himself? A Worked it himself.
- Q Do you know where he got it or who he got it from? A No.
- Q Where was this land located? A I don't know where he got it.
- Q Where was it located? A In Neshoba.
- Q Near what town or near what stream? A About twelve miles from Philadelphia.
- Q On any river or stream? A Nanne Warrior,---Owl Creek.
- Q What did Lewis do with that land, did he sell it to somebody?
- A I don't know whether he sell it to somebody or not.
- Q Do you know who he got that land from? A I don't know.
- Q Never told you? A Never told me.
- Q Did he get it from one of his ancestors, his father or mother or did he buy it? A I don't know whether he buy it or where he got it. He had a good piece of land there.
- Q Do you remember hearing anything about the treaty of 1830?
- A No.
- Q You never heard anything about that? A I never heard anything about that.
- Q Did you ever hear about the time when so many Choctaws left Mississippi and came over to the Indian Territory? A Came here?
- Q Yes about seventy or seventy five years ago? A Well, I heard talk about it.
- Q You heard that talked about down there? A Yes.
- Q Do you know whether any of Lewis' people came here with the Choctaws when they came at that time, that is, Lewis' father or mother? A Alex he came down here.



- Q That was afterwards, though, wasn't it? A Yes, after that.  
Q You don't know whether Lewis' father ever came or not?  
A I don't know whether Lewis' father came over here or not.  
Old man Alex he raised these children you know.

By Mr. Lee:

- Q You say old man Alex Tubbee raised Lewis Tubbee? A Yes, and Jim Scooch.  
Q What was Lewis Tubbee's Indian name, Uncle Dibble? A Kunnatubi.

(The rest of this examination is conducted through a duly sworn interpreter, John McCarty).

- Q Why is it uncle Dibble that you think Kunnatubi was about your age? A They used to be playmates.  
Q What kin was Kanitubbee to Robert Tubbee? A Two brothers' children - - children of two brothers.  
Q Who was Robert Tubbee's father? A Jim Scooch.  
Q Then Rachel Tubbee, Annie Tubbee, Bessie Tubbee and Bettie Tubbee and this little one that's dead, uncle Dibble, these children are second cousins of Windom's wife? A Yes.  
Q Not first cousins? A No.  
Q Then Robert Tubbee then was a grand nephew of Kunnatubi, or Lewis Tubbee? A (By Interpreter) No, as far as I can understand, he says two brothers' children.  
Q You say that Lewis said that when he came over to Fort Smith and got his money that he bought a pony with his money?  
A Yes, that's right.  
Q He bought a pony? A Yes.  
Q Ask him if he ever heard Alex Tubbee say what he did with the money he got, and what he did with it? A He said that Alex never told him what he done with the money or how much he got or nothing about that.  
Q Ask him about this Wakatubbee's land, if he heard the old Indians say where Wakatubbee got this land? A Well, he never did learn no certain way they got it. He just living on there and claiming the land.  
Q And died on the land in Mississippi? A Yes.  
Q And buried there? A Yes.  
Q And that Wakatubbee that had the land was the father of Lewis Tubbee the father of Mrs. Windom and these other Tubbee children? A Yes, that's right, it's her Grandpa.  
Q Wakatubbee who was buried there was the grandfather of Mrs. Windom? A Yes.

By the Commissioner:

- Q You are sure are you Dibbin that this Wakatubbee had land in Mississippi before his death? A Yes, he said that he claimed the land but he don't know positively whether the land was his or not, but he stayed right there and claimed the land.  
Q Well, (to interpreter) Dibbin himself never saw ~~Wakatubbee~~ Wakatubbee did he? A No, he says he never seen him; just seen his grave.  
Q And he understands that Wakatubbee had land there before he died? A Yes.

- Q Do you know any old Choctaw Indians who knew Wakatubbee and who are still alive? A No, I don't know. I think they are all dead that knowed him.
- Q Do you know any old Indians down in Mississippi or in Indian Territory who might know anything about Wakatubbee having any land in Mississippi? A No sir, he don't know nobody. No sir, there is nobody living that seen him at all.

Witness excused.

Cornelia Windom, nee Tubbee, recalled.

By the Commissioner:

- Q Did you ever hear about your grandfather Wakatubbee being buried in Mississippi? A No sir, I never heard that. I don't know whether he died in Mississippi or where he died, but I have been told that he came to the Territory. I don't know whether he came and stayed or went back.
- Q You never had the grave pointed out to you in Mississippi as being the grave of your grandfather have you? A No sir.

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Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 16th day of March, 1906, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and worn to before me this 13th day of April, 1906.

*John P. Dermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
DeKalb, Mississippi, March 23, 1906.

M C R 5210

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In the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

ADDITIONAL PROCEEDINGS had at the Court House at DeKalb, Kemper County, Mississippi, March 23rd, 1906, in conformity with notice furnished applicants, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations, under Departmental direction of September 23, 1905 (I T D 10852-1904, 7156-1905).

Applicant not represented by attorney.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

SIMPSON TUBBEE, one of the applicants in the above consolidated case, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Simpson Tubbee.  
Q How old are you? A About thirty-eight.  
Q What is your post office address? A Toles, or Darnell I believe that's closer to me.  
Q What is your father's name? A Lewis Tubbee.  
Q And your mother's name? A Manda Tubbee.  
Q Your father was a full blood Choctaw Indian? A Yes, he's a full blood.  
Q What was your mother? A She - I think its father he full blood and mother's white I think.  
Q Your mother is a mixed blood? A Yes. My grandfather on my mother's side I know was full blood.  
Q Are you a brother of Cornelia, Jeff, Adolphus and Tom Tubbee?  
A That's what they say.  
Q You are an applicant for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you know your father's father's name - your grandfather?  
A If I make no mistake - so many of them you know have heap of kinfolks in old Mississippi along about them times - I think his name, as well as I recollect, they called him Wakietubbee or Wakatubbee. Most everybody say Wakatubbee.  
Q That was Lewis' father? A That's the understanding.  
Q Did you ever see Wakietubbee? A No sir.  
Q Do you know your father's mother's name? The name of your father's mother? A Let's see - - I know him, but I just can't call it just now. I think I know him - - Sophia I think.  
Q Was she a full blood Indian? A Yes, full blood.

- Q Did you ever see your grandfather or grandmother? A Not as I recollect.
- Q Did your grandfather Wakiotubbee have any brothers or sisters? A He have brothers I think.
- Q Do you know their names? A I think Alex one of them - Alex he one of Wakiotubbee's brothers I think, and think Alex he have some boys called Austin, Willis and John.
- Q They were children of Alex? A Alex Tubbee I think.
- Q Did you ever see Alex Tubbee? A Oh, yes.
- Q How long ago did he die? A About fifteen years ago, may be a little better.
- Q Do you know when your grandfather Wakiotubbee died? A No sir, I don't know when he died.
- Q Do you know where he died? A No.
- Q Did you ever hear that your grandfather Wakiotubbee went to the Indian Territory? A No sir, I don't think he went just from what old man Joe said a while ago - he old man just about like my Grandpa you know. He say my grandfather he come here to his wedding at Sucarnoochee. He recollect him pretty well, but he's old and he forget some, but he knew my grandfather, called him Wakiotubbee - long time ago in Choctaw - some call him Waka-tubbee.

(The person above referred to as old man Joe is Joe Jones, an old Indian living in the vicinity of De-Kalb. A conveyance was sent to his home on this date to bring him before the Commissioner, but he positively refused to give any testimony.)

- Q Did old Alex ever get any land in Mississippi that you know of? A I don't know whether he got land or not.
- Q Did he have any land when you knew him before his death? A I wouldn't be sure whether he did or not, I think though he did, close to where my father lived; they called it old Lewis Tubbee place now.
- Q Where is the old Lewis Tubbee place? A Close to Bokchite post office, close to Nanne Warrior. Dr. Cheatham lived there close by him. We lived there several years. I think two or three of us was born there on that place.
- Q Your father lived on this place did he? A Yes sir, about I reckon, as well as I can count up, I reckon three or four children born on that place.
- Q Do you know where your father got this land? A No, I don't know where he got it.
- Q You don't know whether he purchased it himself or whether it descended to him from his father? A I think the land came by his Grandma or his Grandpa's side, one of the other. This land came into his possession somehow that way.
- Q Did you ever know of any other name that Wakiotubbee or Alex went by? Did they ever have any other names that you know of? A Let's see - it seems like they had some other names, but I don't know what they are now.
- Q You don't remember any other names then? A Seems like that they called this here Wakatubbee - - some of them called him Lewis something.
- Q Who do you mean, your grandfather? A Yes; seem like some of them call him that way. I don't know for certain how it is. So many along about that time. Mashulatubbe, that's one of my uncles.

- Q Was Shulatubbe a brother of Wakiotubbee and Alex? A Yes sir, that's the way I understand it - he's a brother to them - Wakiotubbee and Alex Tubbee.
- Q Were there any other brothers and sisters of Wakiotubbee and Alex? A There was more of them, I don't know whether there brothers or not. Choctaws he call cousins brother all the time, but this here - my Pa - after I was pretty good size he talk to me and call them his brother Wakiotubbee.
- Q Did you ever hear the name Abaanintubbee? A No.
- Q Do you know the name of the father of Wakiotubbee? A No, I don't know.
- Q Your great-grandfather? A No, I don't know him. I don't believe I recollect hearing his name.
- Q Did you ever hear the name of your great-grandmother- Wakiotubbee's mother? A No, I believe not. If I did I done forgot. I don't recollect that.
- Q Who did your father live with when he was a small boy?  
A He lived with Alex.
- Q That was your father's uncle wasn't it? A Yes, my father's uncle.
- Q He was raised by Alex was he? A Yes.
- Q Did your father have a brother? A Yes.
- Q What was his name? A Jim Scooch.
- Q Were both of these boys raised by Alex? A Yes, both raised by Alex.
- Q Do you know what became of their father Wakiotubbee, the father of Jim and Lewis? A No sir, he died; that's all I know by hearing old folks talk.
- Q Do you know how long ago it was he died? A When I was small. When I heard them talking about it he done dead; small chap; Indians have a cry there; my Pa and uncles all go then and cry.
- Q How old was your father when he went to live with Alex?  
A Little fellow.
- Q And his father was dead at that time? A Yes, his father dead then - - just from what I heard from my father; he have a sister living too along about that time.
- Q Who had a sister living? A This here Alex.
- Q Do you know the name of the sister? A No, anyhow they living together then. He took my Pa and my uncle Jim Scooch - took them two orphan children home, and not long before Alex Tubbee's wife died and then these children begin to go about until he was grown.
- Q Did you ever see your father's mother? A No sir.
- Q She was dead the first you know anything about it? A Yes, she died first and then his father died.
- Q Died before Wakiotubbee? A Yes, Pa's little boy just from what he said, and they uncle Jim Scooch was baby like when his Ma died, and old man Wakiotubbee's wife died when Pa got up about eight years old. He little chap. I got cousin live close to Mr. Tinsley; she and me about the same age.
- Q Did you ever hear of any other Indian names by which Wakiotubbee was called - your grandfather - either Indian or English?  
A No, I don't remember.
- Q Do you remember any other names by which Alex was called?  
A Alex Tubbee?
- Q Yes? A I understand he was called Yockatubbee.
- Q You understand Alex Tubbee was sometimes called Yockatubbee?  
A Yes, that's what nearly all the Choctaws called him.

- Q What became of Yockatubbee's children? A Mighty near all of them dead; all dead I believe; last one died year before last; some of his grandchildren in the Territory now.
- Q You said their names were what? A Austin, John and Willis.
- Q Did Austin have any Indian name? A Not as I recollect.
- Q Did John have any Indian names? A I can't remember. White folks give them English name.
- Q Did Willis have an Indian name? A Yes, he had Choctaw name - let's see - may be so I think of it now in a minute - - Beas; That's Choctaw name. White folks call him Beas right smart.
- Q You never heard then of Wakiotubbee going to the Indian Territory? A No sir, I don't recollect hearing anything about him.
- Q You never heard whether he got any land in Mississippi or not?
- A No sir, I never heard; all I know is just my uncle I reckon, Alex; he just took him up when he was a little chap, and my father when he died - this land - old man Alex - he see to it for him and old man Alex he stayed there a long time, and when my Pa moved he moved onto what they called his part of that land and he built him a house on it.
- Q Near what town is that land? A Philadelphia is the closest town.
- Q Is it close to some of those little towns up there? A About five miles from Havlin near a little place called Noxapeter, right on the corner where the three counties join - Winston, Kemper and Nesheba.
- Q That's the land which your father lived on? A Yes, I recollect it well all about that land.
- Q Is that land known as the Lewis Tubbee land? A Yes sir, folks all over there know it.

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Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of March, 1905, and that the above and foregoing is a correct translation of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 14th day of April, 1906.

*J. M. Dermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
About eleven miles northwest of Phila-  
delphia, Mississippi, March 27th, 1906.

M C R 5209 - 10 - 11

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In the matter of the consolidated Mississippi Choctaw case  
of Tom Tubbee, et al.

No Attorney.

No appearance on behalf of Choctaw and Chick-  
saw Nations.

B. F. STUART, a witness in this case, being first duly  
sworn, testified as follows:

Examination by Commissioner:

- Q Will you state your name? A Ben or B. F. Stuart.  
Q How old are you Mr. Stuart? A I am seventy-eight years old.  
Q What is your post office address? A My post office address  
is Philadelphia, R. F. D. No. 2.  
Q Neshoba County, Mississippi? A Neshoba County, Mississippi.  
Q How long have you lived in Neshoba County? A Ever since '46.  
Q Where did you live before that? A Tennessee.  
Q You came to this country in '46? A In '46.  
Q Are you acquainted with some Choctaw Indians named Simpson, Tom,  
Cornelia, Jeff and Adolphus Tubbee? A I know Tom and Simpson;  
I don't know them others.  
Q Those two are brothers? A Yes sir, said to be brothers.  
Q What was the name of their father, did you know? A Lewis was  
their father's name.  
Q Do you know the name of their mother, Lewis Tubbee's wife?  
A No sir.  
Q You know of her don't you? A Yes, I knowed of her.  
Q She was a mixed blood was she not? A She was a mixed blood,  
nigger and white.  
Q Do you know the name of Lewis Tubbee's father? A They said  
it was Alex.  
Q Was he known as Alex Tubbee? A He was known as Alex Tubbee.  
Q Did you ever hear him called any other name? A No sir.  
Q Did you ever know of him having any other name, any Indian  
name? A No sir.  
Q Did you know the name of Alex's wife, that is, the mother of  
Lewis? A No sir.  
Q Did you ever know Alex Tubbee? Did you ever see him?  
A Many a time.

(2)

- Q How long ago did he die? A Some ten or fifteen years ago or more; I don't know how long; been dead a long time; I never kept up with the time; been dead a long time.
- Q Was he an old man when he died? A Yes sir, old man when he died.
- Q Where did these Tubbees live when you knew them? A Just north of me.
- Q In Mississippi? In which County? A Neshoba.
- Q Was it near the line of Kemper County? A Yes, the land that they said they owned joined Kemper.
- Q Do you know the description of that land? A Yes sir.
- Q Can you give it to me? A I think so.
- Q What was it? A It was the southeast quarter of the southeast quarter of section twenty four, township twelve, range thirteen; that's the description I think.
- Q Did Alex ever live on that land? A Yes sir, the first time I ever seen him he was living on that land.
- Q Did Lewis live on it after Alex's death? A No sir.
- Q What was the cause of these Tubbees leaving that land? A It was all sold, that's my understanding.
- Q Didn't Lewis Tubbee have some trouble up in that country? Did you ever hear of that? Was he driven out? A No sir, only I heard they didn't like him about marrying this half breed nigger and wouldn't associate with him.
- Q You never heard of him being driven away from this land?
- A No sir. He came back there frequently.
- Q Old Alex sold this land? A Yes.
- Q Do you know who he sold it to? A I don't know whether it was Sam Hickman or Davie Donald. If he didn't sell it to Dave he sold it to Sam. This was before the war.
- Q Did you ever hear how Alex Tubbee got this land - whether he got it from the government or bought it? A My understanding was that he got it from the government.
- Q Did you ever hear of an Indian named Abaanintubbee? A No.
- Q Did you ever hear of an Indian named Wakatubbee or Wakiotubbee?
- A No sir.
- Q Can you give me the names of Alex's children? A I can give you some of them.
- Q Give as many as you can? A There was Lewis and Scooch and Jim and Willis, Austin and others; another one - let's see - what was his name; that's all I can recollect now; and John, why that there was another one - John Alex.
- Q Are any of those boys living at the present time that you know of? A No sir, I don't think any one is living.
- Q Haven't any of them got any children with the exception of Lewis - any of the others got children that's living?
- A Stewart is in the Territory.
- Q Is he a son of Austin? A Yes sir.
- Q And he's living in the Territory? A Yes sir.
- Q Is he known as Stewart Tubbee? A Yes sir.
- Q Is it your understanding Mr. Stuart that Lewis and Scooch are the brothers of these other boys you have named? A That's my understanding.
- Q At the time you knew them they were living with Alex and raised by him? A Yes, and they claimed him as their father, that's all I know. They used to work for me a heap when they's little fellows.



(3)

- Q You never heard it stated then that Lewis and Scooch were nephews of old Alex? A No sir, I never heard that.
- Q Do you know of any land up in the northeast part of this county or the northwestern part of Kemper County which is known as the Lewis Tubbee land at the present time? A No sir, I don't know of any known as the Lewis Tubbee land.
- Q The only land which you have ever known held by this family was the land you have described? A Yes sir. I don't think Lewis ever claimed any land in either county; that's my recollection; they was raised three or four miles from here.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of March, 1906, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 14th day of April, 1906.

*J. M. Derrald*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
About fifteen miles northeast of Philadelphia, Mississippi, March 27, 1906.

M C R 5209 - 10 - 11 -----eOo-----

In the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

No Attorney.  
No appearance on behalf of Choctaw and Chickasaw Nations.

The witness, Elan Bell, whose testimony appears below, refused to be sworn, and the answers he gave to the questions were not under oath.

Examination by the Commissioner:

- Q What is your name? A Elan Bell.  
Q About how old are you Elan, do you know? A About same age as old man Ben Stuart.  
Q How long have you lived in Kemper here? A I don't know how long. I never count it. I don't count it like you do.  
Q Long time isn't it? A Yes.  
Q Did you ever know old Alex Tubbee? A No.  
Q Ever see him? A I see him - Alex, but I forgot his Indian name.  
Q Do you know who Old Alex's children were? A Austin, that's one of them, Eohn and Willis.  
Q Was Lewis Alex's boy? A No sir, I don't think so.  
Q Do you know whose boy Lewis was - who Lewis' father was?  
A No sir, I don't know.  
Q Who was Lewis living with when you first knew him? Do you know who he lived with? A I don't know.  
Q Was he married at that time or was he living with somebody else?  
A Living with somebody else I believe - young man.  
Q Was he living with old Alex at that time? A No sir, he living with one woman that's all I know about it. He no stay at one place at all.  
Q Was Lewis the father of Simpson and Tom Tubbee? A Yes, Lewis was the Daddy I think. When he married that nigger gal he no go about with the Choctaws at all.  
Q Who did Lewis marry? A That nigger.  
Q Do you know her name? A No.  
Q She was part negro was she? A Yes.  
Q You say the Indians didn't have anything to do with him after that? A No.

(2)

- Q Do you know whether Alex ever had any land in this country?  
A No sir, I don't know and never heard it neither.  
Q Do you know whether Lewis ever had any land here? A No, I know he never had none.  
Q Do you know who Lewis' mother was? A No.  
Q And you can't remember who his father was? A I don't know it.  
Q Did you ever hear of an Indian called Wakiotubbee? A No, I don't know it.  
Q Did you ever hear of one called Wakatubbee? A No sir.  
Q Did you ever hear of an Indian called Abaanintubbee? A No sir, I can't think of it. Don't think I heard it.  
Q Would you know if any of the Indian names I have given you was the Indian name of Alex? A I don't know at all. I don't study about it that way.  
Q Elan are you sure that Alex wasn't the father of Lewis? Do you know that he was not the father of Lewis? A I think he was not the father of Lewis.  
Q You never heard it said Lewis and Austin were brothers? A I know they were not brothers; I know that.  
Q Did you ever talk with John Marshall about these Tubbees?  
A I don't know.

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Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of March, 1906, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 16th day of April, 1906.

*J. M. McDermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., April 16th, 1906.

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In the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., M C R 5209.

A F F I D A V I T.

I, Geo.D. Rodgers, being first duly sworn, state that on March 27, 1906, I went to the Sheriff of Neshoba County, Mississippi, located at Philadelphia, said county and state, and questioned him in regard to certain summons which he was alleged to have served on one Elan Bell and John Marshall. He stated that he had served these summons on said parties but they, being located over the line of Neshoba County, in Kemper County, Mississippi, stated to him that they would not answer said summons or appear before the party of the Commissioner to the Five Civilized Tribes who expected to take their testimony at Philadelphia, Mississippi, on the 28th of March, 1906.

Upon receiving the above information, affiant, in company with A. G. McMillan, stenographer for the Commissioner to the Five Civilized Tribes, procured a team and drove to the residence of Elan Bell and of John Marshall located about sixteen miles north-east of the town of Philadelphia. We procured the assistance of one John Long, a Justice of the Peace, living about four miles from the residence of Elan Bell, and in his company located the residence of Elan Bell and found him at home. Upon stating to him our business he refused to be sworn or to give any testimony in the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al. He stated that he was not acquainted with the ancestors of Tom Tubbee; that Tom Tubbee and his brothers and sisters were negroes and not entitled to land as Choctaw Indians and that he, Elan Bell, would not assist them in any way in obtaining land.

With the assistance of John Long we questioned Elan Bell with great difficulty in regard to the ancestors of the Tubbee family, not however placing Elan Bell under oath, as he refused to be sworn. We were enabled in this way to get a certain amount of testimony from him in regard to his knowledge of the ancestors of the Tubbee family, which testimony is attached to this affidavit and sworn to by the stenographer who took the same.

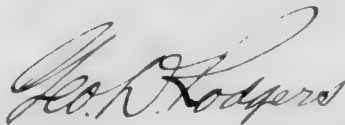
I furthermore state that it was with difficulty that we were enabled to get the said Elan Bell to make any statements whatsoever, and the answers hereto attached were obtained only after great persuasion on the part of John Long, the Justice of the Peace, who was acquainted with Elan Bell, and ourselves.

(2)

Elan Bell, however, stated that he was born in another portion of the Choctaw Nation east, and was not acquainted with the grandfather of Lewis Tubbee who is the father of the principal applicant in this case, and it is my opinion that the answers given by Elan Bell to the interrogatories which were propounded to him are correct in so far as they lay within his knowledge.

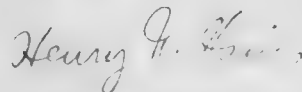
From inquiry in the neighborhood where the testimony was taken, it developed that the said Elan Bell is much opposed to the removal of the Choctaws to the Indian Territory and has always advised against it. In addition he seems to have a special antipathy to the Tubbee family as the wife of Lewis Tubbee apparently was possessed of negro blood, and he characterizes the offspring as "niggers" and for that reason, in his opinion, are not entitled to any rights which may have accrued to them by reason of their Choctaw blood.

The testimony of Ben F. Stuart and John Marshall, two old white men living in this vicinity, was obtained without any difficulty, but from their testimony it is apparent that they were not especially familiar with the antecedents of the Tubbee family. It was impossible upon close questioning of these persons to locate anyone in this vicinity who could throw any additional light upon the matter under consideration.



Chief Law Clerk, Commissioner to  
Five Civilized Tribes.

Subscribed and sworn to before me this 17 day of April, 1906.



Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
About sixteen miles northeast of Phila-  
delphia, Mississippi, March 27, 1906.

M C R 5209 - 10 - 11 -----oOo-----

In the matter of the consolidated Mississippi Choctaw case  
of Tom Tubbee, et al.

No Attorney.  
No appearance on behalf of Choctaw and Chickasaw Na-  
tions.

John Marshall, a witness in this case, being first duly  
sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A J. R. Marshall.  
Q How old are you Mr. Marshall? A I am sixty-nine years old.  
Q What is your post office address? A Philadelphia.  
Q Weshoba County, Mississippi? A Yes sir.  
Q You are a white man, a citizen of the United States? A Yes  
sir.  
Q Are you acquainted with a Choctaw Indian named Simpson Tubbee?  
A Yes sir, I know Simpson.  
Q Are you acquainted with his brother Tom Tubbee? A I have  
seen Tom Tubbee; I don't know whether I would know him now or  
not.  
Q Do you know Cornelia, Jeff and Adolphus? A No sir.  
Q Do you know who was the father of Simpson and Tom Tubbee?  
A Lewis I reckon was the father of them.  
Q Do you know the name of their mother? A Amanda I think.  
Q Was Lewis Tubbee a full blood Choctaw Indian as far as you know?  
A I think Lewis was.  
Q What was Manda? A I don't know. Some of the Indians says  
she was a mulatto.  
Q Did the Indians claim she had negro blood? A Some of them  
did, and some of them thought her father was a white man.  
Q She at least is a mixed blood? A Yes sir, I think so.  
Q Do you know who was the father of Lewis Tubbee? A Well, I  
don't know without it was old Alex; I wouldn't be certain that  
it was Alex; I don't know.  
Q What was his other name - old Alex? A I don't know.  
Q Did you ever see him? A Yes sir.  
Q When did he die? A I couldn't tell you.  
Q Was it a long time ago? A It's been a long time ago.  
Q Was it after the war? A I don't know whether it was after the  
war or before.  
Q How long have you lived in this country Mr. Marshall?

(2)

- A I have lived here about fifty eight years.
- Q Do you remember how long after you came here that old Alex died? A No sir.
- Q Was he an old man at the time of his death? A Yes sir, tolerable old.
- Q Did Alex have any other children? A I reckon he did.
- Q Do you know the names of any of his boys? A I don't know that I do.
- Q Did you ever hear of an Indian named Austin? A Yes sir.
- Q Do you know who he was? A No sir.
- Q Did you ever hear that Austin was a son of old Alex? A I don't know whether I did or not.
- Q Did you know John and Willis Tubbee? A Yes sir.
- Q Do you know who they were? A No sir.
- Q You don't know whether Austin and John and Willis were sons of Alex or not? A I do not know.
- Q You say that you have always thought that Lewis was a son of old Alex? A Yes sir.
- Q Did Alex raise Lewis, do you know? A I do not know.
- Q You didn't know Lewis when he was a boy did you? A No, not until he was grown man and married.
- Q Did you ever know who Lewis' mother was? A No sir.
- Q Did you ever hear the Indian name of old Alex? A I don't know that I did.
- Q Did you ever hear of an Indian named Wakiotubbee? A Yes sir, I have heard all sorts of Tubbees; I reckon I have heard that.
- Q You don't know who that refers to? A No sir. I heard of an old Hopokatubbee.
- Q Did you ever heard the name Abaanintubbee? A I reckon I have heard the name.
- Q You can't place that as belonging to any particular Indian?
- A No sir.
- Q Do you know whether Hopokatubbee was related to these Tubbees in any way? A No sir.

-----

Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of March, 1906, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 16th day of April, 1906.

*J. M. Drumm*  
Notary Public.

M.C.R. 5209.

Muskogee, Indian Territory, December 22, 1902.

Tom Tubbe,

Darnall, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that you have signed a contract with a Mr. Winton; that you thought it was necessary to do so in order to get your right.

You ask to be advised whether you will have to pay Winton one-half of your land if you get any; also whether your claim has been allowed and when you will have to move to the Territory.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and 5 minor children as Mississippi Choctaws.

No decision has yet been reached in your case but as soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and family occupy the status of applicants for identification as Mississippi Choctaws, whose rights to such identification have in no manner been determined.



T.T.-----2.

Relative to your removal to the Choctaw-Chickasaw country your attention is invited to the following provision of the act of Congress approved July 1, 1902 and ratified by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provision 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 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."

Regarding any contracts you may have made with any person for the prosecution of your claim and your removal to the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved May 31, 1900:

" x x x x 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."

Respectfully,

Acting Chairman.

*Substitute*

M C R 5209

Muskogee, Indian Territory, March 30, 1903.

Tom Tubby,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you enclose certified copy of marriage record between Tom Tubby and Janie Rickles; also letter signed by Commissioner A. S. McKennon, addressed to you, dated May 1, 1899, in which it is stated that your name was "included in the list identified by the Commission as Mississippi Choctaws. You ask that these papers be examined by the Commission and that justice be given you in the determination of your claim to be identified as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from the records of the Commission that on April 10, 1902, Charles B. Tinsley appeared before this Commission at Toles, Mississippi, and made application for the identification of yourself and your minor children Mollie, William T., Pinkie, Andrew and Pearlle Tubby as Mississippi Choctaws.

The Commission has not up to the present time reached any opinion or decision relative to the right of yourself and children to be identified as such Mississippi Choctaws. As soon as a de-

T T 2

cision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The certified copy of marriage record enclosed by you has been filed with the record in your case.

You are further advised that the Commission considers the "Report to the Secretary of the Interior by the Commission to the Five Civilized Tribes, March 10, 1899, as to the identity of Mississippi Choctaws" null and void in so far as it relates to the identification of the persons named therein as Mississippi Choctaws.

The letter addressed to you by Commissioner McKennon, dated May 1, 1899, is herewith returned.

Respectfully,

Chairman.

McM 1

M C R 4916  
M C R 5209 /

Muskogee, Indian Territory, May 8, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of May 6, 1903, in which you state that you have been informed "that certain persons who are applicants for enrollment as full blood Mississippi Choctaw Indians are part negroes. The names of the applicants are as follows: Tom Tubby and family, and also his mother and sisters, and possibly, their families."

Replying to your communication you are advised that it appears from our records that there are two persons by the name of Tom Tubbee who are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws. No decision has yet been rendered relative to the rights of these applicants to identification as Mississippi Choctaws. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M C R 5209

COPY.

Muskogee, Indian Territory, April 6, 1904.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including you and your children Mollie Tubbee, William I. Tubbee, Pinkey Tubbee, Andrew Tubbee, and Pearlle Tubbee.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of 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)

*I. E. Needles.*

Commissioner in Charge.

Registered.

M C R 5210

COPY!

Muskogee, Indian Territory, April 6, 1904.

Simpson Tubbee,  
Toles, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including you and your children Ira Tubbee and Edgar Tubbee.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of 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)

*I. E. Needles.*

Registered.

Commissioner in Charge.

M C R 5211

COPY:

Muskogee, Indian Territory, April 6, 1904.

Cornelia Tubbee,  
Durwood, Indian Territory.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including you and your brothers Jeff Tubbee and Adolphus Tubbee.

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 5209

COPIE.

Muskogee, Indian Territory, April 6, 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 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., which embraces the following cases:

|                          |            |
|--------------------------|------------|
| Tom Tubbee, et al.,      | M C R 5209 |
| Simpson Tubbee, et al.,  | M C R 5210 |
| Cornelia Tubbee, et al., | M C R 5211 |

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.



M C R 5209  
M C R 5210  
M C R 5211

Muskogee, Indian Territory, April 6, 1904.

Charles B. Tinsley,  
Tales, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlie Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of 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,

DNED

*B. Needles.*

Commissioner in Charge.

Registered.

M C R 5209

CONFIDENTIAL

Muskogee, Indian Territory, April 6, 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 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al.

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Enc MCR-5209

M.C.R. 5209

Muskogee, Indian Territory, April 13, 1904.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of April 7 and April 8, 1904, in which you state that you have been informed that you have fifteen days within which to file additional proof in support of your claim, and ask to be advised what proof is required.

In reply to your letter you are informed that it appears from our records that on March 18, 1904, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., and on April 6, 1904, you were notified of the decision of the Commission and that you would have fifteen days from that date within which to file argument and brief in support of your claim. At the expiration of this time the record in this case, together with such brief and argument as may be submitted, will be forwarded to the Secretary of the Interior.

You are further advised that the Commission requires of ap-

Tom Tubbee, 2.

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 fourteenth 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 25, 1842. No proof of this character has been submitted in support of your case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tom Tubbee et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

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

|                        |              |
|------------------------|--------------|
| Tom Tubbee et al,      | M.C.R. 5209  |
| Simpson Tubbee et al,  | M.C.R. 5210  |
| Cornelia Tubbee et al, | M.C.R. 5211. |

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

2 Enc. 5209

L.C.N. 5209

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of the second instant, there is enclosed you herewith one copy of the testimony give before this Commission by Charles I. Tinsley, at Teles, Mississippi, April 10, 1902, in the matter of the application for the identification of Tom Tubbee and his five minor children, Hollie, William T., Pinkey, Andrew and Pearlle Tubbee, as Mississippi Choctaws.

Respectfully,

Chairman.

JY-56.

M.C.R.5209.

Muskogee, Indian Territory, May 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On April 22, 1904, the Commission had the honor to transmit to the Department the record in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., together with its decision of March 15, 1904, refusing the applications of the several persons included therein for identification as Mississippi Choctaws. On May 9, 1904, the Commission received, by reference from your office, a letter from Townsend S. Foster, attorney-at-law, South McAlester, Indian Territory, enclosing a sworn statement of Tom Tubbee, in the form of a motion, for a rehearing in the matter of his application for the identification of himself and minor children as Mississippi Choctaws.

The same are now forwarded for the consideration of the Department.

Respectfully,

Through the  
Commissioner of Indian Affairs.

JYK-64.

*Com. in Charge*  
Chairman

Muskogee, Indian Territory, June 29, 1904.

T. A. Foster,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state that some time since you were informed by the Interior Department that the Mississippi Choctaw case of Tom Tubbee, et al. had been referred to this Commission for appropriate action. You ask to be advised when a rehearing can be had in this case.

In reply to your letter you are informed that on April 22, 1904, the record in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., together with the decision of the Commission refusing the applications of the several persons included therein for identification as Mississippi Choctaws, was forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. The said record is now in the hands of the Secretary of the Interior, and the Commission has not, up to the present time, been advised of any Departmental action therein.  
Respectfully,

Commissioner in Charge.



C O P Y

D. C. No. 43614

DEPARTMENT OF THE INTERIOR,  
Washington. THE  
I.T.D. 10862-1904. October 27, 1904.

L R S

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

Gentlemen:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs in his letter of October 22, 1904, a rehearing is hereby directed in the Mississippi Choctaw case of Tom Tubbee, et al, submitted with your letter of April 22, 1904.

The testimony and papers attached, the motion for rehearing, and a copy of the Acting Commissioner's letter are enclosed.

Respectfully,

E. A. Hitchcock,

3 inclosures.

Secretary.

( COPY )

Refer in reply to the  
following:  
Land.

8289-1904

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 22, 1904.

IN RE

Applicants to be identified as  
Mississippi Choctaw Indians, viz:

|                           |                |
|---------------------------|----------------|
| Tom Tubbee, et al.,       | M. C. R. 5209. |
| Simpson Tubbee, et. al.,  | M. C. R. 5210. |
| Cornelia Tubbee, et. al., | M. C. R. 5211. |

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit for Departmental action the record submitted by the Commission to the Five Civilized Tribes to this office, in the above consolidated applications.

It appears that the principal applicant, Tom Tubbee formerly residing in the State of Mississippi, but now a resident of Kiowa, Indian Territory, appeared before the said Commission at Philadelphia, Mississippi on February 2, 1899 and made application to be identified as a Mississippi Choctaw Indian, and his statement therein was taken by the Commission, but the Commission has omitted to incorporate his said statement in the record transmitted to this office.

On a further hearing before the Commission at Toles, Mississippi on April 10, 1902, the said Tom Tubbee was cited to appear

for further examination, but he positively refused to do so under the advice of his attorney; that he had already been identified as a Mississippi Choctaw Indian at Philadelphia, Mississippi and that his further attendance at Toles, Mississippi on the day cited was unnecessary.

Said applicant, Tom Tubbee from his newly acquired residence at Kiowa, Indian Territory now files his motion for a rehearing in his case and asks that the case be remanded for further hearing before the Commission to take additional testimony.

Inasmuch as the record before this office is incomplete in that the testimony of Tom Tubbee is not incorporated in the record, that the record as submitted contains only the testimony of Charles B. Tinsley, as representative of the applicants above named, and for the further reason that the Commission states as its opinion that "there can be no doubt that Tom Tubbee is a one-half Choctaw"; that the other applicants named herein "have the appearance of possessing fully as much Choctaw blood as is claimed for them", it is believed that in furtherance of justice and that a complete record of the full testimony taken should be submitted before action thereon by this office, it is recommended that the cases be remanded to the Commission to take additional testimony and to incorporate in the record, to be retransmitted, the testi-

-3-

mony of Tom Tubbee and others taken herein at Philadelphia,  
Mississippi on February 2, 1899.

Very respectfully,

A. C. Tonner,

G.R.-L.M.

Acting Commissioner.

M C R 5209

Muskogee, Indian Territory, November 14, 1904.

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

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that some two weeks since you received a letter from the Secretary of the Interior informing you that a rehearing had been ordered in the Mississippi Choctaw case of Tom Tubbee, et al. and that you have been waiting to hear from the Commission in regard to the matter. You ask when the case will be heard.

In reply you are informed that this office has not up to the present time been notified of any departmental action in the Mississippi Choctaw case of Tom Tubbee, et al., M C R 5209, since the record and decision of the Commission were transmitted to the Secretary of the Interior on April 22, 1904.

Respectfully,

Chairman.

M C R 5209

Muskogee, Indian Territory, November 18, 1904.

Tom Tubbee,

Kiowa, Indian Territory.

Dear Sir:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date hereof, hear such additional testimony as you may desire to submit in support of the application for the identification of yourself and minor children as Mississippi Choctaws.

The Commission must be furnished with proper proof of service of notice upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, of the time and place such testimony is intended to be offered, before the same can be heard.

Respectfully,

Chairman.

Registered.

M C R 5209

Muskogee, Indian Territory, November 18, 1904.

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

Dear Sir:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date hereof, hear the testimony of such witnesses as may be presented in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

The Commission must be furnished with proper proof of service of notice upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, of the time and place such testimony is intended to be offered, before the same can be heard.

Respectfully,

Chairman.

Registered.

M C R 5209

Muskogee, Indian Territory, November 18, 1904.

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

Dear Sir:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date hereof, hear the testimony of such witnesses as may be presented in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

The Commission must be furnished with proper proof of service of notice upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, of the time and place such testimony is intended to be offered, before the same can be heard.

Respectfully,

Chairman.

Registered.



M C R 5209

Muskogee, Indian Territory, November 18, 1904.

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

Gentlemen:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, the several principal applicants in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., and their attorneys of record, J. G. Ralls, Atoka, Indian Territory, and T. N. Foster, South McAlester, Indian Territory, have this day been notified that the Commission would, at any time within thirty days from this date, hear the testimony of such witnesses as may be presented in support of said consolidated case, notice of the taking of such testimony being first served upon you.

For your information there is herewith enclosed copy of departmental letter of October 27, 1904, and report of Acting Commissioner of Indian Affairs, October 22, 1904, relative to the case in question.

Respectfully,

Registered.

Chairman.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 17th, 1904.

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In the matter of the application of Tom Tubbee, et al.,  
for identification as Mississippi Choctaws, M C R 5209.

On this date personally appeared before the Commission  
Tom Tubbee, the principal applicant in this cause, and stated  
that he was unable to procure the attendance of his witnesses  
at this time. The applicant is not accompanied by his attorney,  
and on motion of the Commission it is hereby ordered that twenty  
days additional time be allowed the applicant and his attorney  
in this case from the date hereof within which to introduce the  
testimony of such witnesses as they may desire to present in sup-  
port of the application of Tom Tubbee, et al. for identification  
as Mississippi Choctaws.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby  
Chairman.

M C R 5209

Muskogee, Indian Territory, December 17, 1904.

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

Gentlemen:

There is herewith enclosed you one copy of the order of the Commission to the Five Civilized Tribes granting a continuance of twenty days from this date in the matter of the application of Tom Tubbee, et al. for identification as Mississippi Choctaws.

Respectfully,

Chairman.

McM 45

M C R 5209

Muskogee, Indian Territory, December 17, 1904.

Townsend N. Foster,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed you one copy of the order of the Commission to the Five Civilized Tribes granting a continuance of twenty days from this date in the matter of the application of Tom Tubbee, et al. for identification as Mississippi Choctaws.

Respectfully,

Chairman.

McM 44

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., January 6th, 1905.

M C R 5209

-----oOo-----

In the matter of the application of Tom Tubbee, et al.  
for identification as Mississippi Choctaws.

In accordance with departmental instructions of October 27, 1904, remanding the case above referred to for additional testimony, the following proceedings were had, proof of service of copy of notice that such testimony would be taken on the above date, upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, being first furnished by Townsend N. Foster, attorney for Tom Tubbee; a copy of the notice being attached to this record.

(W. H. Moore, representing Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
APPEARANCES (Townsend Foster, representing applicants,  
(Tom Tubbee, applicant.  
(Joe Jimmerson, witness.

Tom Tubbee, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tom Tubbee.  
Q How old are you? A Soon be thirty-four.  
Q Where do you live? A I live at Kiowa.  
Q You claim to be a Mississippi Choctaw? A Yes sir.  
Q Are you a full blood Choctaw Indian? A No.  
Q You said "No" didn't you? A Yes.

By Townsend N. Foster:

- Q Are you the same Tom Tubbee who was identified by the Commission in the State of Mississippi, at Philadelphia, I believe it was in 1900---I haven't got the date---I wanted to get the date. Are you the same man that was identified by the Commission in 1900? A Yes.  
Q What was your father's name? A (Interrupting) By A. S. McKennon?  
Q Yes? A Yes sir.  
Q What is your father's name? A Lewis Tubbee.  
Q What was your grandfather's name? A They called his name Wakatubbee.  
Q Had he any other name? A Yes; called him Alex Wakatubbee. Choctaw name is another name, too; got another name.  
Q State what it was? A Abaanintubbee I believe.  
Q Did he live in Mississippi? A Yes.

Tom Tubbee 2

- Q It is your understanding that he complied with the treaty of 1830? A Yes.
- Q Did he have a farm there, or land there? A Yes.
- Q Does this witness of yours know you? A Yes.
- Q How long has he known you? A He knowed me all my life I reckon; since I can recollect.
- Q Knew your father and grandfather? A Yes.
- Q Did he know Lewis Tubbee? A Yes.
- Q Is Lewis Tubbee on the Choctaw roll here? A I don't know whether he is or not.
- Q Is he your brother? A Lewis is my father.
- Q What is your brother's name that's on the roll? A William Tubbee.
- Q William Tubbee? A Yes sir.
- Q Was he admitted by the Dawes Commission? A Yes.

Statement by Townsend N. Foster :

What I had in mind, Mr. Beall, was that one of the reasons assigned for a new hearing in this case by the Secretary was the absence of the old record; the Commission had not forwarded the old record, and I wanted to bring out those points that are found in the old record, and I thought by your examination we would get all that was necessary.

By the Commission: (To applicant)

- Q Did you ever personally appear before the Commission to the Five Civilized Tribes and make an application for identification as a Mississippi Choctaw? A Yes.
- Q Where? What place? A Philadelphia, Mississippi.
- Q When was that? A I don't know; about '99. I reckon somewhere along there.

Statement by Commission:

The following is a copy of the testimony of Tom Tubbee made before the Commission to the Five Civilized Tribes at Philadelphia, Neshoba County, Mississippi, Thursday, February 2, 1899:

"TOM TUBBY, the applicant, states: I am 28 years old, and have a wife who is a white woman, named Janie. My mother's father was a Cherokee Indian, and her mother was a white woman. My mother was half Cherokee and half white. My father is a full blood Choctaw, named Lewis Tubbee. I have three children by my wife. They are as follows: Mollie, 5; William, 3; and Pinkney, one year old. I have a sister who has been married, but is now parted from her husband. His name was Solomon Willis. Her name is Josephine Willis, age 26. She has the following children: Willie, 3; and Sarah Jane, one year old. These children's father was a full blood."

By Townsend N. Foster:

- Q Where was your father's farm? A Father?  
Q Yes, your grandfather's farm? A In Neshoba County.  
Q In Mississippi? A Yes.

By W. H. Moore:

- Q What did you say your father's father's name was? A Abaanintubbee.  
Q Abaanintubbee? A Yes sir.  
Q Do you know how he spelled that name? A I don't know pretty well; I don't know much how to spell or read.  
Q Did you ever know him; did you ever see him? A No. I don't know as I ever did.  
Q He was dead before you were born? A Yes sir.  
Q How did you know where his farm was; who told you that?  
A I just know by my folks and witnesses.  
Q By your witnesses? A Yes sir.  
Q These witnesses that you are going to have testify for you they are the ones that told you your father had a farm? A Yes sir, I knowed----- My mother taught me they had a farm there.  
Q Who are these witnesses that told you your father had a farm in Neshoba County? A My Ma told me he had the land.  
Q Your mother told you? A Yes.  
Q He was your father's father wasn't he? A Yes sir.  
Q He wasn't your mother's father? A No.  
Q Which was he, your father's father or your mother's father?  
A Who?  
Q This man we have been talking about? A Who?  
Q This man we have been talking about? A That's my grandfather.  
Q Your father's father? A Yes sir.  
Q He had a farm in Neshoba County? A Yes sir.  
Q Whereabouts in Neshoba? A Close to Owl Creek.  
Q What was his post office? A His post office--I don't know exactly what his post office was then, but the county seat there was Philadelphia. About nine or maybe ten miles, I don't know exactly how far, from Philadelphia, Mississippi.  
Q How long has your grandfather been dead? A I don't know how long.  
Q Before you can remember? A Yes sir, I reckon he died somewhere since--maybe since the war. He's been dead a long time.  
Q Well, now, how does it happen that this man---this man that you speak of is he a full blood or half breed? A Full blood.  
Q Now in this motion that you have made for a rehearing in this case you state that your grandfather's name was Wakatubbee?  
A Yes sir.  
Q Now what makes the difference? A The Choctaws they got two or three or four names. The white folks there in Mississippi just call his name like my name. My name is Tom Tubbee and they call me Thomas Tubbee, but it all mean the same man; and Wakatubbee and Abaanintubbee and Alex Wakatubbee is same man.  
Q All the same man? A Yes sir.  
Q This grandfather of yours then, one name was Alex Wakatubbee?  
A Yes sir. White folks called him Alex and called him Alex Wakatubbee.

- Q Did you know Scott Bell when he lived in Mississippi?  
A Yes sir.
- Q Did you know John Willis when he lived in Mississippi?  
A Yes sir.
- Q Have you got them here as witnesses? A No sir.
- Q How does it happen you named them in your motion for rehearing and haven't got them here? A Well, I tried to get Scott here, but he is at Atoka attending court. He is attending court there and he hasn't come back yet.
- Q Scott Bell is a Mississippi Choctaw? A Yes sir.
- Q An applicant for identification as a Mississippi Choctaw?  
A Yes sir.
- Q So is John Willis? A Yes sir.
- Q Who is this witness you got here? A Joe Jimmerson.
- Q He is a Mississippi Choctaw? A Yes sir.
- Q Has his case been passed on yet? A Yes sir, I reckon so.
- Q Do you know what the name of your mother's father was?  
A No, I don't know.
- Q Do you know what the name of your mother's mother was?  
A No, No I don't know.
- Q Do you know what the name of your father's mother was?  
A No, No I don't know.
- Q Then the only grandparent whose name you know is this man Wakatubbee--the man with these half dozen different names is the only one of your grandparents that you know? A Yes, that's all the one I know.
- Q Only one you know? A Yes.
- Q And you learned his name from these witnesses that you are going to have here to testify? A No, my Pa.
- Q How long has your father been dead, Tom? A My Daddy?
- Q Yes? A Let me see--he died about---the Commission was at Philadelphia in '99.
- Q Yes? A He died that same year, June.
- Q Did he ever appear before the Commission? A No, he was sick when I went before the Commission; I went to see him then; I stopped there.
- Q Where did he live? A He lived then about fourteen miles from Philadelphia.
- Q How old a man was your grandfather at the time of his death?  
A I don't know how old he was--pretty old man.
- Q Pretty old man? A Yes.
- Q Passed middle age, you think? A When he died?
- Q Yes? A Yes, he was an old man, pretty old fellow; that's what my folks told me.
- Q How old was your father when he died? A He said--he told me when he died he was about---he said he was about fifty-nine; maybe fifty-six or fifty-nine.
- Q How long had your grandfather lived in Neshoba County before he died? A I don't know how long.
- Q Where had he lived before coming to Neshoba County? A I don't know. The first time I heard or knowed of him--I may have seen him but I don't know--but the first time I knowed anything about him my Pa said--but he was--why he lived--they always lived in Neshoba County.
- Q You don't know that he was born in Neshoba County? A No sir.



- Q Don't know where he lived prior to coming to Neshoba County?  
A No.
- Q Or how long he lived there prior to his death? A No.
- Q You don't know where he was living in 1830? A My Pa said he was at the treaty.
- Q When did your father tell you that? A He always told me he didn't believe in this coming to the Territory. He didn't want us to come. He didn't want--he said never give up. He said then that this here treaty, like that Dancing Rabbit Creek, it was getting rid of the Choctaws there and coming to the West, and he said white folks took that land away from them and he never wanted to come.
- Q Was your father at the Dancing Rabbit Creek treaty? A I don't know. He said grandfather was there.
- Q His grandfather or his father? A His father, my grandfather.
- Q Do you know where his father was living at that time? A Neshoba.
- Q At that time? A Yes sir, in Neshoba County.
- Q How old a man was he at that time, your grandfather? A I don't know.
- Q Was he a grown man at the time of the treaty of Dancing Rabbit Creek, your grandfather? A I don't know.
- Q What did your father tell you; you said your father told you about it? A He just said he was at this treaty, Dancing Rabbit treaty, that's all I know about it.
- Q And he never told you whether his father was a man at that time or not? A No sir.
- Q Tom, you have lived in Neshoba all your life until you came here, didn't you? A No, I lived--I was raised together in Neshoba and Winston County.
- Q Which county were you born in? A Neshoba.
- Q How long did you live there? A I don't know. I don't know how old I was when I moved away. About---I don't know.
- Q What is your best judgment; were you old enough to remember when you moved from Neshoba to Winston County? A Yes sir, I moved and come back.
- Q When you moved there the first time? A Ten or twelve years old.
- Q How long did you live in Winston County? A Lived there a while and then went back; maybe a year or so that way and back again.
- Q But you lived in those two counties until you came to the Territory? A Until I was grown.
- Q And then where did you live? A Kemper County.
- Q How long did you live there? A I lived there about ten years.
- Q About ten years? A Nine or ten.
- Q Where else did you live besides these three counties?  
A That's all.
- Q What brothers and sisters did your father have, Tom?  
A Brothers and sisters?
- Q Yes? A I don't know all of them. One of them named Jim I believe.
- Q Jim what? A Jim Tubbee. He got two or three names just like rest of them, but that's the name that he is known by. Choctaws call him Skoocoh.

- Q What were the names of the others, give us all you know?  
 A Let me see, I believe one of them named John Alex Tubbee. White folks called him Alex; his name was Tubbee; and let me see, another one Willis Tubbee I believe, Willis Tubbee. One of them named Austin Tubbee; that's all I know.
- Q Is that all you know now? A Yes sir, that's all I remember.
- Q How many of them are living? A I don't know. I don't know as any of them--let me see, two of them dead I think, two of them; I don't know about that other one.
- Q Is your mother living, Tom? A Yes sir.
- Q Where does she live? A She live at Ardmore.
- Q At Ardmore? A Yes.
- Q What is her name? A Name Mandy.
- Q Mandy Tubbee? A Mandy Tubbee.
- Q She's not married since the death of your father? A No.
- Q Is she an applicant for enrollment? A No, I don't think so.
- Q When did she come out to the Indian Territory? A She came out -----
- Q (Interrupting) You say she's not an applicant? A I don't know. I never knowed whether she is or not. Maybe so. She's been here I reckon. I don't think she claim any applicant though.
- Q You stated that you had a brother who had been identified by the Commission; when and where was he identified? A He has been enrolled.
- Q Was enrolled? A Yes.
- Q Where does he live? A He live at--I think his post office is Tucker.
- Q Tucker, Indian Territory? A Yes.
- Q When did he come out to the Indian Territory, Tom? A He come out somewhere about, as well as I recollect, about-----
- Q Came the same time you did? A No, about '96.
- Q He came before you? A Yes.
- Q What is his name? A William Tubbee, or Willis Tubbee.

By Townsend Foster:

- Q Why didn't you go to the Commission in Mississippi and appear when they sent for you? The records show that you were called on and never came. Why didn't you come? Why didn't you do it?  
 A Well, I was told there was no use going to enroll.
- Q Who told you? A Been one time.
- Q You had been one time and thought it wasn't any use to go again?  
 A Yes sir.
- Q Now, who told you that? A C. F. Winton--good many of them.
- Q You were told that you had been there and identified? A Yes.
- Q And no use to go back again? A Yes.
- Q That's the reason you didn't go? A Yes.
- Q After a while the Commission rejected you? A Yes.
- Q And you began to stir yourself to get a hearing? A Yes, I didn't know I had to come back or I would have come back long ago. These folks said there was no use to come back; said the Commission had done enrolled me and I needn't come back.

Applicant excused.

Tom Tubbee 7

Joe Jimmerson, being called as a witness and duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Joe Jimmerson.  
Q How old are you? A Commission got me eighty-five about five years ago.  
Q Where do you live? A I live now at Ardmore. I come from Mississippi.

By W. H. Moore:

Now the Nations object to the taking of the testimony of this witness for the reason that his name is not mentioned in the motion for rehearing and is not one of the witnesses for the taking of whose testimony the case was remanded.

By the Commission:

We will hear the testimony of the witness subject to the objection of the Nations.

By Townsend N. Foster:

- Q Do you know Tom Tubbee; are you acquainted with him? A Yes.  
Q How long have you known him? A Ever since he was a boy.  
Q Did you know his father? A Yes sir.  
Q Did you know his grandfather? A Yes sir.  
Q Where did he live? A Neshoba County. First time he lived in Winston County before the treaty, but since the treaty he lived in Neshoba County all his life.  
Q How much Choctaw blood did he have, Abaanintubbee? A Whole thing.  
Q Did he have any other name? A Yes.  
Q What was it? A I forget that name. Some called---I don't call nicknames. I called him old Abaanintubbee myself. That's all I call him myself.  
Q How old are you? A About eighty or eighty-five. McKennon got me eighty-five.  
Q McKennon? A Yes sir.  
Q Where did Abaanintubbee live? A Abaanintubbee lived first time--he was born and raised in Winston County and since lived in Neshoba; married in Neshoba.  
Q Were you present at the treaty of Dancing Rabbit Creek?  
A No sir, I wasn't old enough for that. My Mammy--my Mammy has been in the Territory here once before the war and I been here once myself before the war, in Fort Smith.  
Q Abaanintubbee was like you, full blood? A Yes sir, full blood.  
Q Did you know him well? A Oh, yes, I knowed him well. How come I know old Abaanintubbee he my cousin.  
Q He's your cousin? A Yes. Old man I know him too. He old fellow.

- Q Did he have land over there? A Yes sir, somewhere in Neshoba County about twelve miles from Philadelphia, northwest somewhere about North Bend post office.
- Q Was it on any creek or water? A Owl Creek was what they called it---Bokchito--called Owl Creek.
- Q Does Bokchito mean Owl? A No, Bokchito branched out and little creek of it called Owl Creek. Now, Wakatubbee that's another name. Wakatubbee, now I remember it, nickname. Old Abaanintubbee was old Indian name. That's what I called him. Some called it Wakatubbee.
- Q Is Abaanintubbee and Wakatubbee the same man? A Yes, same man; one man, only different names. Joe Jimmerson my name, but I have two names.

By W. H. Moore:

- Q Was Abaanintubbee as old as you are? A Heap older; over a hundred years old; same age as my Daddy; my Daddy over a hundred years old.
- Q How long has Abaanintubbee been dead? A He died since the war about ten or twelve years ago.
- Q Abaanintubbee died since the war? A Yes sir.
- Q About ten years ago? A Yes sir, in Newton County.
- Q Tom used to live with his grandfather? A Always with his grandfather.
- Q How many children did Abaanintubbee have? A I think about five or six I believe.
- Q How many of them did you know? A I used to know---I didn't see him regular; I saw him sometime he moved off from Neshoba. I saw him some time in Winston County. Old Abaanintubbee go off about the country, he and his wife go off and his wife make baskets and they had this boy with them; stay away a while and come back.
- Q You have seen this boy going around with his grandfather?
- A Yes sir.
- Q Daddy and all together? A Yes sir.
- Q Lived with his grandfather until pretty near a grown man?
- A Yes sir.
- Q Which is the oldest, you or Lewis Tubbee? A Lewis Tubbee about the same as my boy. I look like I am his Daddy. Old Abaanintubbee ever since I knowed him was tolerable old, and his boy Lewis Tubbee and my boy about same size and same age as my boy.
- Q How long did you live in Neshoba County? A Born and raised in Newton County; born, and moved off to Neshoba County.
- Q How old were you when you first went to Neshoba County?
- A I moved---I never did live in Neshoba County in my life until nineteen years ago.
- Q Nineteen years ago? A Yes sir.
- Q Where was Abaanintubbee living the first time you got acquainted with him? A Little Creek, in Neshoba County.
- Q That was after you had gone to Neshoba County to live? A Yes sir.
- Q You were pretty near grown? A Yes, and he pretty near grown, and he went off and married then.

Tom Tubbee 9

By Townsend N. Foster:

Applicant moves the Commission for to set a day in the future, a short day, to hear the testimony of Scott Bell who is now in attendance upon the United States Court in Atoka, and asks to have a day set for that purpose. Applicant suggests that he can get him tomorrow.

By the Commission to W. H. Moore:

Q You object to any continuance? A I do indeed, sir.

By the Commission:

The objection of the Nations is sustained, as it is considered that applicant has had ample time to introduce the testimony of the witnesses, Scott Bell and John Willis, named in the motion upon which this rehearing was secured, and this case is now closed.

-----

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 6th day of January, 1905, and that the above and foregoing is a true transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 6th day of January, 1905.

*J. H. Campbell*

Notary Public.

M C R 5209

Muskogee, Indian Territory, January 7, 1904.

Townsend N. Foster,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed you one copy of the testimony of Tom Tubbee and Joe Jimmerson, heard at this office on the 6th instant, in support of the Mississippi Choctaw case of Tom Tubbee, et al.

Respectfully,

Chairman.

McM 43

M C R 5209

Muskogee, Indian Territory, January 7, 1905.

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

Gentlemen:

There is enclosed you herewith one copy of the testimony of Tom Tubbee and Joe Jimmerson, taken at this office January 6, 1904, in support of the Mississippi Choctaw case of Tom Tubbee, et al., which was remanded by the Department under date of October 27, 1904, for further hearing.

Respectfully,

Chairman.

McM 1/7

Muskogee, Indian Territory, January 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On October 27, 1904, the Department with its letter of that date (I T D 10852-1904), in accordance with the recommendations of the Acting Commissioner of Indian Affairs of October 22, 1904 (Land 28289-1904), remanded to the Commission for a rehearing the record in the matter of the application for the identification of Tom Tubbee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                          |            |
|--------------------------|------------|
| Tom Tubbee, et al.,      | M C R 5209 |
| Simpson Tubbee, et al.,  | M C R 5210 |
| Cornelia Tubbee, et al., | M C R 5211 |

On November 18, 1904, the Commission advised the applicants Tom Tubbee, at Kiowa, Indian Territory, Simpson Tubbee, at Toles, Mississippi, and Cornelia Tubbee, at Durwood, Indian Territory, their attorneys of record, T. N. Foster, at South McAlester, Indian Territory, J. G. Ralls, at Atoka, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nation, at South McAlester, Indian Territory, that the Commission would, at its office at Muskogee, Indian Territory, at



any time within thirty days from the date of such notices hear the testimony of such witnesses as might be presented in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.; the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray & Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office in Muskogee, Indian Territory, but was not at that time accompanied by either of his attorneys, Townsend E. Foster, of South McAlester, or J. G. Ralls, of Atoka, Indian Territory, neither were the Choctaw and Chickasaw Nations represented at that time by their attorneys, Mansfield, McMurray & Cornish, or any representative of their firm, and as the applicant Tom Tubbee seemed to be ignorant of his purpose in appearing before the Commission at that time a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney Townsend E. Foster, the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employe of Messrs. Mansfield, McMurray & Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there was also incorporated therein a copy

of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Neshoba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jimmerson, to the taking of whose testimony objection was entered by the attorneys for the Choctaw and Chickasaw Nations, for the reason that he was not named as one of the witnesses who would testify in the motion for rehearing in this cause filed with the Department. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this cause.

At the conclusion of the proceedings had on January 6, 1905, Townsend L. Foster, the attorney for the applicants, requested a further continuance in this cause for the purpose of securing the testimony of Scott Bell, to which action the attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission and the case closed.

I have therefore the honor to transmit herewith for the consideration of the Department the original record in the matter of the application of Tom Tubbee, et al., for identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on January 6, 1905, in conformity with departmental instructions of October 27, 1904.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
McM 112

Chairman.

M C R 5209

Muskogee, Indian Territory, February 10, 1905.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing brief on behalf of the Choctaw and Chickasaw Nations in the matter of the Mississippi Choctaw case of Tom Tubbee et al. The same has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., M C R 1209, the record therein was remanded by the Department to the Commission for further hearing on October 27, 1904.

On January 20, 1905, the record, together with additional proceedings had in the case, was again transmitted to the Department.

This office is today in receipt of a brief from Messrs. Mansfield, McKurray & Cornish, filed on behalf of the Choctaw and Chickasaw Nations in this matter, and the same is herewith submitted for consideration in connection with the papers heretofore forwarded in the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

McM 89

Land  
28209-1904  
76115-1904  
6658-1905  
12830-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 20, 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 January 20, referring to the fact that on October 27, 1904, the Department with its letter of that date, "I.T.D.10852-1904," in accordance with the recommendation of this office, remanded for a rehearing the record in the matter of the consolidated application for the identification of Tom Tubbee, et al., embracing the following applications for identification as Mississippi Choctaws: Tom Tubbee, et al; Simpson Tubbee, et al; and Cornelia Tubbee, et al.

On November 18, 1904, the Commission advised the applicants, Tom Tubbee at Kiowa, Indian Territory; Simpson Tubbee at Toles, Mississippi; and Cornelia Tubbee at Durwood, Indian Territory; their attorneys of record, T. E. Foster at South McAlester; J. G. Ralls at Atoka, and Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, that the Commission would, at its office at Muskogee at any time within thirty days from the date of such notice, hear the testimony of such witnesses as might be

present in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray & Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office at Muskogee, but was not at that time accompanied by either of his attorneys, Townsend E. Foster or J. G. Ralls. Neither were the Choctaw and Chickasaw Nations represented by their attorneys, and as the applicant, Tom Tubbee, seemed to be ignorant of his purpose in appearing before the Commission at that time, a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney, Townsend E. Foster; the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employee of Messrs. Mansfield, McMurray & Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there is also incorporated therein a copy of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Neshoba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jimmerson, to the taking of whose testimony objection was entered by the attorney for the Choctaw and Chickasaw Nations

for the reason that he was not named in the motion for rehearing in this case filed with the Department as one of the witnesses who would testify. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this case.

At the conclusion of the proceedings had on January 6, 1905, Townsend L. Foster, the attorney for the applicants, requested a further continuance in this case for the purpose of securing the testimony of Scott Bell, to which action attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission, and the case closed.

There is transmitted, therefore, for the consideration of the Department, the original record in the matter of the application of Tom Tubbee, et al., for the identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904.

The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wakatubbee, otherwise known as Alex Wakatubbee and Abaanintubbee, through his son, Lewis Tubbee, it being alleged that Wakatubbee or Abaanintubbee was a full-blood Choctaw, and a resident of the Choctaw Nation in Mississippi in 1830; also that he owned land in Mississippi upon which he resided throughout his life, he having died at some time subsequent to the civil war.

Tom Tubbee, who was a witness in his own behalf and for the others claiming this case, is an Indian and talks the Choctaw language and talks the English language with an accent. His grandfather lived in Neshoba County throughout his life, as did Lewis Tubbee, his son, and Tom Tubbee has spent most of his life in that County.

There was no Choctaw of the name of Wakatubbee who received land in Mississippi under the 14th article of the Choctaw Treaty. There were a number of persons who were applicants for benefits under the 14th article in behalf of whom scrip was issued, whose names approximate the name as given by the witnesses in the record in this case. According to the testimony of Tom Tubbee, his grandfather would now be one hundred years of age or more, and was necessarily then a man of twenty-five years in 1830, at such an age as Choctaws were usually heads of families.

There was a Wak-ah-tubbee who resided on the NE/4 of Sec. 35, T. 11 N., R. 11 E., Newton County, Mississippi, in behalf of whom scrip was issued, whose children were Abbe-ho-chi-ah and Ah-pi-sah, who died without issue, Ah-ho-nah, a daughter, Ok-ah-che-ah, a daughter, and Ah-chuck-mah-he-ah, who died without issue; all of these being over ten years of age; Fe-la-kio-tubbee was a son under ten years. Wak-ah-tubbee died in 1833.

Wak-kah-tubbee was the head of a family in 1830, and scrip was issued in behalf of him and his children, who were



Ela-bo-te-mah and Eme-la-tonah, both daughters; his wife was named Nola. At that time he lived on the NW/4 of Sec. 10, T. 9 N., R. 13 E., Neshoba County, Mississippi.

Wak-e-c-tubbee was the head of a Choctaw family in 1830, and resided on Sec. 5, T. 4 N., R. 11 E., Jasper County, Mississippi. He died in 1839. His children were Ok-cha-tubbee, who died without issue, Ish-tan-tubbee, both over ten years of age, and Ulth-lo-tah, a daughter, under ten years of age. His wife was named Fa-la-mah.

There was a Wak-a-tubbee, a son of Ho-ti-ka, in behalf of whom scrip was issued, who was under ten years of age in 1830. The family resided on Sec. 7, T. 10 N., R. 10 E., Neshoba County.

Wak-a-tubbee was a son of Him-noka-tona and was over ten years of age. Scrip was issued in his behalf. The family resided on the SE/4 of Sec. 33, T. N. 11 R. 10 E., Neshoba County.

Wak-is-tubbee was a boy under ten years of age, a son of Hoc-too-nah, and they resided in Jasper County.

There was no beneficiary under the 14th article named Absanintubbee as given by the Commission. There was an Abbo-neen-tubbee over ten years of age, a son of Im-ish-too-nah, who lived in the southern part of Newton County.

Aba-nin-tubbee was over ten years of age and a son of Hia-out-chee, a resident of Newton County.

There was no person by the name of Alex who was a beneficiary

under the 14th article.

Scrip was issued on behalf of three persons of the name of Lewis. They were children, sons of Ah-chau-nan-tubbee, Ok-a-la-ancha-hubbee and Tan-a-be-nubbee.

There is nothing in the record in this case to indicate that the applicants are descended from any of these beneficiaries under the 14th article whose names have been given. I am therefore of opinion that the decisions of the Commission rejecting them should be approved, and I therefore recommend that such an order be issued as to Tom Tubbee and his five minor children, Mollie, William T., Pinky, Andrew and Pearlle Tubbee; Simpson Tubbee and his two minor children, Ira and Edgar Tubbee; and Cornelia Tubbee and his two minor brothers, Jeff and Adolphus Tubbee.

Letter of the Commission of February 10, transmitting brief in behalf of the Choctaw and Chickasaw Nations in this case is also forwarded.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-WDW

D.C.19-375-1905  
I.T.D.5493,8111,8543,  
9095,10852-1904.  
2862-1905

G.R.  
LIB  
LRS

(Copy)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Relative to the consolidated applications of Tom Tubbee et al., M.C.R.5209 et al., for identification as Mississippi Choctaws, the record shows that all the applicants appeared before the Commission at its sitting at Philadelphia, Miss., in January and February, 1899, for identification as Mississippi Choctaws, and the name of the applicant Tom Tubbee appears opposite No.854 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, as also appears thereon the names of applicants Simpson Tubbee, opposite No. 1923, Lewis Tubbee, Amanda Tubbee, Cornelia Tubbee, Jeff Tubbee, John Tubbee, and Adolphus Tubbe, opposite Nos. 1884-1889, inclusive.

Applicants (although notified and living in the immediate vicinity) refused to appear before the Commission at its sitting at Toles, Miss., in April, 1902, on the ground that they had been advised by their attorneys that their further appearance at Toles, Miss., on the day cited was unnecessary, as they had

already been identified at Philadelphia, Miss., in 1899. Applicants, however, were represented by one Charles B. Tinsley, who testified in their behalf and who the Commission stated (see page 4 of record) "is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children whose names are set forth in this application." Similar statements were made by the Commission as to the other applicants. Lewis Tubbee, one of the original applicants having died, Manda Tubbee, his wife, appeared before the Commission at Muskogee, Ind. Ter., on March 23, 1903, for the identification of herself and her three children, namely, Cornelia, Jeff, and Adolphus Tubbee, as Mississippi Choctaws. As to the personal appearance of last-named applicants the Commission stated that "two of these children for whom application is made are before the Commission and have the appearance of possessing fully as much Choctaw blood as is claimed for them; the boy, Jeff, would easily pass for a full-blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw."

The evidence shows that the last-named applicants recently removed from near Toles, Miss., to Ardmore, Ind. Ter., and it appears that John Tubbee, the son of Amanda Tubbee, had preceded her removal (pages 10 and 11), and it may be that two of Tom Tubbee's uncles removed to the Indian Territory "between the years 1833 and 1838" (page 3).

The principal applicant, Tom Tubbee, is now living at Kiowa, Ind. Ter., and from his newly acquired residence filed a motion for a rehearing in his case on April 30, 1904, and on account of the incompleteness of the record a rehearing was directed to be granted (see departmental letter of October 27, 1904, I.T.D. 10854-1904).

On December 17, 1904, the Commission of its own motion granted applicants 20 days additional time within which "to introduce such witnesses as they may desire to present in support of the application of Tom Tubbee, et al., for identification as Mississippi Choctaws," and in pursuance of such order the taking of the testimony of Joe Jimmerson, a witness not mentioned in the motion for a rehearing, is not deemed error, but the refusal of the Commission to continue the hearing of the case even for one day as requested by attorney for applicants to secure the attendance Scott Bell as a witness before the Commission, is deemed error, as it appears that Scott Bell was at the time in attendance on the court at Atoka, Ind. Ter., presumably as a witness or as a party to a suit pending therein, and if so, his absence was excusable.

The Commission in its decision dated March 15, 1904, denied the applications of applicants on the ground that it did not appear that either Lewis or Sockey, ancestors through whom applicants claimed, were in anywise beneficiaries under the provisions of article fourteen of the treaty of 1830, or under sub-

sequent enactments relative thereto.

Applicants now trace their descent to an ancestor named Wakatubbee, alias Abaanintubbee, alias Alex Wakatubbee, who it is claimed was living in 1830 as the Choctaw head of a family in Mississippi close to Owl Creek, about 12 miles from Philadelphia, the county seat of Neshoba County, Mississippi.

Inasmuch as the records of the Indian Office show that several persons named Waka Tubbee, or persons bearing similar names, were beneficiaries under the provisions of article fourteen of the treaty of 1830 or acts passed in pursuance thereof, and were living in 1830 on certain lands in Neshoba County, Mississippi, it is essential that all the light possible that can be thrown upon the identity of applicant's ancestor should be secured.

You are directed to notify applicants that they will be permitted to introduce, at a time fixed by you, the testimony of Scott Bell and John Willis, and commissions should also issue in proper form for the taking of the depositions of "John Marshall, who lives up near Seale in Neshoba Co., Miss., and Elan Bell, who lives near Coffadolia, Miss.," witness shown on page 4 of the record, most likely to know more about the matter than any other known witness.

The case is remanded for a fuller investigation as to the ancestry of applicants as herein indicated, and in view of the records of the Indian Office as shown by letter herewith.

Respectfully,  
(signed) Thos. Ryan,  
Acting Secretary.

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28209-1904  
76115-1904  
6658-1905  
12830-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 20, 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 January 20, referring to the fact that on October 27, 1904, the Department with its letter of that date, "I.T.D.10852-1904," in accordance with the recommendations of this Office, remanded for a rehearing the record in the matter of the consolidated application for the identification of Tom Tubbee, et al., embracing the following applications for identification as Mississippi Choctaws: Tom Tubbee, et al; Simpson Tubbee, et al; and Cornelia Tubbee, et al.

On November 18, 1904, the Commission advised the applicants, Tom Tubbee at Kiowa, Indian Territory; Simpson Tubbee at Toles, Mississippi; and Cornelia Tubbee at Durwood, Indian Territory; their attorneys of record, T. K. Foster at South McAlester; J. G. Ralls at Atoka, and Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, that the Commission would, at its office at Muskogee at any time within thirty days from the date of such notice, hear the testimony of such witnesses as might be

present in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray & Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office at Muskogee, but was not at that time accompanied by either of his attorneys, Townsend L. Foster or J. G. Ralls. Neither were the Choctaw and Chickasaw Nations represented by their attorneys, and as the applicant, Tom Tubbee, seemed to be ignorant of his purpose in appearing before the Commission at that time, a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney, Townsend L. Foster; the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employee of Messrs. Mansfield, McMurray & Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there is also incorporated therein a copy of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Leechba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jammersen, to the taking of whose testimony objection was entered by the attorney for the Choctaw and Chickasaw Nations



for the reason that he was not named in the motion for rehearing in this case filed with the Department as one of the witnesses who would testify. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this case.

At the conclusion of the proceedings had on January 6, 1905, Townsend H. Foster, the attorney for the applicants, requested a further continuance in this case for the purpose of securing the testimony of Scott Bell, to which action attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission, and the case closed.

There is transmitted, therefore, for the consideration of the Department, the original record in the matter of the application of Tom Tubbee, et al., for the identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904.

The applicants base their claims to a right of identification as Mississippi Choctaws on their descent from Wakatubbee, otherwise known as Alex Wakatubbee and Abaanintubbee, through his son, Lewis Tubbee, it being alleged that Wakatubbee or Abaanintubbee was a full-blood Choctaw, and a resident of the Choctaw Nation in Mississippi in 1830; also that he owned land in Mississippi upon which he resided throughout his life, he having died at some time subsequent to the civil war.

Tom Tubbee, who was a witness in his own behalf and for the others claiming this case, is an Indian, talks the Choctaw language and talks the English language with an accent. His grandfather lived in Leshoba County throughout his life, as did Lewis Tubbee, his son, and Tom Tubbee has spent most of his life in that County.

There was no Choctaw of the name of Wakatubbee who received land in Mississippi under the 14th article of the Choctaw Treaty. There were a number of persons who were applicants for benefits under the 14th article in behalf of whom scrip was issued, whose names approximate the name as given by the witnesses in the record in this case. According to the testimony of Tom Tubbee, his grandfather would now be one hundred years of age or more, and was necessarily then a man of twenty-five years in 1830, at such an age as Choctaws were usually heads of families.

There was a Wak-ah-tubbee who resided on the NE/4 of Sec. 35, T.11 N., R. 11E., Newton County, Mississippi, in behalf of whom scrip was issued, whose children were Abbo-ho-chi-ah and Ah-pi-sah, who died without issue, Ah-ho-nah, a daughter, Ok-ah-cho-ah, a daughter, and Ah-chuck-mah-he-ah, who died without issue; all of these being over ten years of age; Fella-kio-tubbee was a son under ten years. Wak-ah-tubbee died in 1833.

Wak-ah-tubbee was the head of a family in 1830, and scrip was issued in behalf of him and his children, who were

Ma-ho-to-mah and Ame-la-tonah, both daughters; his wife was named Kola. At that time he lived on the NW/4 of Sec. 10, T. 9 N., R. 13 E., Neshoba County, Mississippi.

Wak-o-o-tubbee was the head of a Choctaw family in 1830, and resided on Sec. 5, T. 4 N., R. 11 E., Jasper County, Mississippi. He died in 1839. His children were Ok-cha-tubbee, who died without issue, Ish-tan-tubbee, both over ten years of age, and Uth-lo-tah, a daughter, under ten years of age. His wife was named Ma-la-mah.

There was a Wak-a-tubbee, a son of Ho-ti-ka, in behalf of whom scrip was issued, who was under ten years of age in 1830. The family resided on Sec. 7, T. 10 N., R. 10 E., Neshoba County.

Wak-a-tubbee was a son of Him-moka-tona and was over ten years of age. Scrip was issued in his behalf. The family resided on the SE/4 of Sec. 33, T. N. 11 R. 10 E., Neshoba County.

Wak-is-tubbee was a boy under ten years of age, a son of Hoc-too-nah, and they resided in Jasper County.

There was no beneficiary under the 14th article named Abaanintubbee as given by the Commission. There was an Abbe-neen-tubbee over ten years of age, a son of Im-ish-too-nah, who lived in the southern part of Newton County.

Aba-nin-tubbee was over ten years of age and a son of Hia-out-chee, a resident of Newton County.

There was no person by the name of Alex who was a beneficiary under the 14th article.

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Order was issued on behalf of three persons of the name of Lewis. They were children, sons of Ah-chau-nan-tubbee, Ok-a-la-ancha-lubbee and Tan-a-be-nubbee.

There is nothing in the record in this case to indicate that the applicants are descended from any of those beneficiaries under the 14th article whose names have been given. I am therefore of opinion that the decisions of the Commission rejecting them should be approved, and I therefore recommend that such an order be issued as to Tom Tubbee and his five minor children, Lollie, William T., Linkey, Andrew and Pearlle Tubbee; Simpson Tubbee and his two minor children, Ira and Edgar Tubbee; and Bernelia Tubbee and his two minor brothers, Jeff and Adolphus Tubbee.

Letter of the Commission of February 10, transmitting brief in behalf of the Choctaw and Chickasaw Nations in this case is also forwarded.

Very respectfully,

J. F. Larrabee,

Acting Commissioner.

EBH-WDW

MM 10/7

D.C.19-375-1905  
I.T.D.5493,8111,8543,  
9095,10852-1904.  
2862-1905

(Copy)

G.R.  
LIB.  
LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1905.

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

Gentlemen:

Relative to the consolidated applications of Tom Tubbee et al., D.C.N.5209 et al., for identification as Mississippi Choctaws, the record shows that all the applicants appeared before the Commission at its sitting at Philadelphia, Miss., in January and February, 1899, for identification as Mississippi Choctaws, and the name of the applicant Tom Tubbee appears opposite No.854 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, as also appears thereon the names of applicants Simpson Tubbee, opposite No.1923, Lewis Tubbee, Amanda Tubbee, Cornelia Tubbee, Jeff Tubbee, John Tubbee, and Adolphus Tubbe, opposite nos. 1864-1869, inclusive.

Applicants (although notified and living in the immediate vicinity) refused to appear before the Commission at its sitting at Toles, Miss., in April, 1902, on the ground that they had been advised by their attorney that their further appearance at Toles, Miss., on the day cited was unnecessary, as they had

already been identified at Philadelphia, Miss., in 1899. Applicants, however, were represented by one Charles E. Tinsley, who testified in their behalf and who the Commission stated (see page 4 of record) "is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children whose names are set forth in this application." Similar statements were made by the Commission as to the other applicants. Lewis Tubbee, one of the original applicants having died, Manda Tubbee, his wife, appeared before the Commission at Muskogee, Ind. Ter., on March 25, 1903, for the identification of herself and her three children, namely, Cornelia, Jeff, and Adolphus Tubbee, as Mississippi Choctaws. As to the personal appearance of last-named applicants the Commission stated that "two of these children for whom application is made are before the Commission and have the appearance of possessing fully as much Choctaw blood as is claimed for them; the boy, Jeff, would easily pass for a full blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw."

The evidence shows that the last-named applicants recently removed from near Toles, Miss., to Ardmore, Ind. Ter., and it appears that John Tubbee, the son of Amanda Tubbee, had preceded her removal (pages 10 and 11), and it may be that two of Tom Tubbee's uncles removed to the Indian Territory "between the years 1853 and 1858" (page 3).

The principal applicant, Tom Tubbee, is now living at Kiowa, Ind. Ter., and from his newly acquired residence filed a motion for a rehearing in his case on April 30, 1904, and on account of the incompleteness of the record a rehearing was directed to be granted (see departmental letter of October 27, 1904, I.T.D. 10854-1904).

On December 17, 1904, the Commission of its own motion granted applicants 20 days additional time within which to introduce such witnesses as they may desire to present in support of the application of Tom Tubbee, et al., for identification as "Mississippi Choctaws," and in pursuance of such order the taking of the testimony of Joe Jimmerson, a witness not mentioned in the motion for a rehearing, is not deemed error, but the refusal of the Commission to continue the hearing of the case even for one day as requested by attorney for applicants to secure the attendance Scott Bell as a witness before the Commission, is deemed error, as it appears that Scott Bell was at the time in attendance on the court at Atoka, Ind. Ter., presumably as a witness or as a party to a suit pending therein, and if so, his absence was excusable.

The Commission in its decision dated March 15, 1904, denied the applications of applicants on the ground that it did not appear that either Lewis or Sockey, ancestors through whom applicants claimed, were in anywise beneficiaries under the provisions of article fourteen of the treaty of 1830, or under sub-

sequent enactments relative thereto.

Applicants now trace their descent to an ancestor named Wakatubbee, alias Abamintubbee, alias Alex Wakatubbee, who it is claimed was living in 1830 as the Choctaw head of a family in Mississippi close to Owl Creek, about 12 miles from Philadelphia, the county seat of Neshoba County, Mississippi.

Inasmuch as the records of the Indian Office show that several persons names Waka tubbee, or persons bearing similar names, were beneficiaries under the provisions of article fourteen of the treaty of 1830 or acts passed in pursuance thereof, and were living in 1830 on certain lands in Neshoba County, Mississippi, it is essential that all the light possible that can be thrown upon the identity of applicant's ancestor should be secured.

You are directed to notify applicants that they will be permitted to introduce, at a time fixed by you, the testimony of Scott Bell and John Willis, and commissions should also issue in proper form for the taking of the depositions of "John Marshall, who lives up near Seale in Neshoba Co., Miss., and Alan Bell, who lives near Joffadella, Miss.," witness shown on page 4 of the record, most likely to know more about the matter than any other known witness.

The case is returned for a fuller investigation as to the ancestry of applicants as herein indicated, and in view of the records of the Indian Office as shown by letter herewith.

respectfully,  
(signed) Thos. Ryan,  
Acting Secretary.



M C R 5209

Muskogee, Indian Territory, April 20, 1905.

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

Gentlemen:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

A copy of departmental letter of April 11, 1905, in reference to the above case is herewith enclosed.

Respectfully,

Chairman.

Registered.

McM 20/2

M C R 5209

Muskogee, Indian Territory, April 20, 1905.

Townsend N. Foster,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

You may, if you see fit, on the same date submit a motion for the issuance of commissions to take the depositions of John Marshall, of Seale, Mississippi, and Elan Bell, of Coffadelia, Mississippi.

A copy of departmental letter above referred to is herewith enclosed for your information.

Respectfully,

Registered.

Chairman.

McM 20/3

M C R 5209

Muskogee, Indian Territory, April 20, 1905.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, you will be permitted to introduce at the general office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A.M. the testimony of Scott Bell and John Willis in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Registered

Chairman.

Com'r No. 45158  
I.T.D. 10852-1904  
7156-1905

G.R.  
LLB  
LRS

DEPARTMENT OF THE INTERIOR,  
Washington.

September 23, 1905

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

Sir:

There is returned to you the remanded record in the consolidated cases of Tom Tubbee et al., applicants for identification as Mississippi Choctaws, for further investigation in accordance with instructions contained in departmental letter dated April 11, 1905 (I.T.D. 5493, 8111, 8543, 9095, 10852-1904, 2862-1905).

It appears from your report that in accordance with departmental letter of above date, April 11, 1905, you notified applicants and their attorneys that on a certain day they would be permitted to introduce additional evidence in support of said claim, but no copies of any such notices are inserted in the record, and you state at the close of your letter that you "received information of the death of Townsend H. Foster, attorney of record in the case of Tom Tubbee, et al., some ten days ago."

The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional

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evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbee at Kiowa, Ind. T.; Simpson Tubbee, care of Charles B. Tinsley, at Toles, Miss.; Cornelia Tubbee at Burwood, Ind. T., and J. J. Ralls, Esq. at Atoka, Ind. T., as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905.

As the names of applicants in this case appear on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, and as applicants have removed from near Toles, Miss., their former home, to the Indian Territory, since the first hearing had for their enrollment, it is proper that the record should show that they were given every opportunity to present their claim upon the merits, as the case appears to be a meritorious one.

Respectfully,

THOS. RYAN,

Acting Secretary.

Through the  
Commissioner of Indian Affairs.

3 inclosures.

REFER IN REPLY TO THE FOLLOWING

M C R 5209

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

Muskogee, Indian Territory, February 10th, 1906.

Elan Bell,  
Coffadelia, Neshoba County,  
Mississippi.

Dear Sir:

I enclose herewith for your information, copy of a letter of the Secretary of the Interior to the Commission to the Five Civilized Tribes, under date of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905; also a copy of the letter of the Secretary of the Interior to the Commissioner to the Five Civilized Tribes of September 23, 1905, in reference to the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

The Department is desirous of securing your testimony relative to the ancestry of Tom Tubbee, Simpson Tubbee, and Cornelia Tubbee.

You are advised that the Commissioner to the Five Civilized Tribes will be at the Court House at Philadelphia, Neshoba County, Mississippi, on Wednesday, March 28th, 1906, at ten o'clock A. M., and it is earnestly desired that you be present at said time and place for the purpose of submitting your testimony in

Elan Bell 2

reference to your knowledge of the ancestry of the said Tom Tubbee,  
Simpson Tubbee and Cornelia Tubbee.

Respectfully,

Acting Commissioner.

Registered.

McM 10/7

M C R 5209

COPY.

Muskogee, Indian Territory, February 10th, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the application for the identification of Tom Tubbee, et al. as Mississippi Choctaws, a decision was rendered by the Commission to the Five Civilized Tribes on March 15, 1904, refusing the application for the identification of Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

On October 27, 1904, the case was remanded by the Secretary of the Interior to the Commission to the Five Civilized Tribes for a rehearing. Notice of the remanding of the case was furnished the principal applicants, Tom Tubbee, Simpson Tubbee and Cornelia Tubbee, their attorneys of record, Townsend N. Foster, South McAlester, Indian Territory, and J. G. Ralls, Atoka, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, November 18, 1904, and they were notified that the Commission to the Five Civilized Tribes would, at any time within thirty days from said date, hear the testimony



(2)

of such witnesses as might be presented in support of the contention of the applicants. The case was from time to time continued and postponed, but certain proceedings were had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on January 6th, 1905. On January 20th, 1905, the original record in the case with the additional proceedings, was forwarded the Department.

The Secretary of the Interior on April 11, 1905, again returned the case to the Commission to the Five Civilized Tribes and directed that the applicants be notified that they would be permitted to introduce at a fixed time the testimony of Scott Bell and John Willis, and that commissions should also issue in proper form for the taking of the depositions of John Marshall of Seale, Neshoba County, Mississippi, and Elan Bell of Coffadelia, Neshoba County, Mississippi.

The Commission to the Five Civilized Tribes on April 20, 1905, notified Tom Tubbee at Kiowa, Indian Territory, Cornelia Tubbee at Durwood, Indian Territory, Simpson Tubbee, in care of Charles B. Tinsley at Toles, Mississippi, Townsend N. Foster, attorney for applicants, South McAlester, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, of the Department's instructions of April 11, 1905, and that the Commission to the Five Civilized Tribes would, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., hear

(3)

the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

No proceedings were had before this office in conformity with the Department's instructions of April 11, 1905, and on May 29, 1905, the record in the case was again returned to the Department with the information that no additional testimony or evidence had been offered by the applicants or their attorneys. The Commission also advised the Department of the death of Townsend N. Foster, one of the attorneys of record for the applicants.

September 23, 1905, the Department again returned this case to the Commissioner to the Five Civilized Tribes for further investigation in accordance with the instructions contained in Departmental letter of April 11, 1905.

The Department states that it deems it advisable on account of the death of Townsend N. Foster, attorney of record for the applicants, and the lack of proof that the applicants received the notice the Commission sent them that they would be permitted to introduce additional evidence in support of their claim, to return the record with instructions to notify applicant Tom Tubbee at Kiowa, Indian Territory, Simpson Tubbee, care of Charles B. Tinsley, at Toles, Mississippi, Cornelia Tubbee at Durwood, Indian Territory, and J. G. Ralls, Esq. at Atoka, Indian Territory, as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by the Commissioner they will be allowed to introduce

(4)

such evidence as indicated in Departmental letter of April 11, 1905.

There are enclosed herewith for your information, copy of Departmental letter of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905, and copy of Departmental letter of September 23, 1905.

There is also enclosed you herewith copy of the testimony of Riley Willis before the Commissioner to the Five Civilized Tribes, on February 7, 1906, as to the death of the witnesses John Willis and Scott Bell.

You are advised that in conformity with the Department's instructions the Commissioner to the Five Civilized Tribes will, at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15, 1906, at ten o'clock A.M., hear the testimony of Tom Tubbee, the principal applicant in M.C.R. 5209, and such witnesses as he may present at that time.

The testimony of Cornelia Tubbee, now the wife of G. W. Windom, and such witnesses as she may present, will be heard by the Commissioner at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16, 1906, at three o'clock P. M.

The testimony of Simpson Tubbee and such witnesses as he may present, will be heard by the Commissioner at the Court House at DeKalb, Kemper County, Mississippi, on Friday, March 23, 1906, at ten o'clock A. M.

(5)

The testimony of John Marshall and Klan Bell, witnesses in the consolidated case of Tom Tubbee, et al., will be heard by the Commissioner at the Court House at Philadelphia, Neshoba County, Mississippi, on Wednesday, March 28, 1906, at ten o'clock A.M.

Respectfully,

SIGNED *Wm. O. Beall.*  
Acting Commissioner.

Registered

McM 10/1

M C R 5209

COPY.

Muskogee, Indian Territory, February 10th, 1906.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

In the matter of the application for the identification of Tom Tubbee, et al. as Mississippi Choctaws, a decision was rendered by the Commission to the Five Civilized Tribes on March 15, 1904, refusing the application for the identification of Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

On October 27, 1904, the case was remanded by the Secretary of the Interior to the Commission to the Five Civilized Tribes for a rehearing. Notice of the remanding of the case was furnished the principal applicants, Tom Tubbee, Simpson Tubbee and Cornelia Tubbee, their attorneys of record, Townsend N. Foster, South McAlester, Indian Territory, and J. G. Ralls, Atoka, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, November 18, 1904, and they were notified that the Commission to the Five Civilized Tribes would, at any time within thirty days from said date, hear the testimony

J G Ralls 2

of such witnesses as might be presented in support of the contention of the applicants. The case was from time to time continued and postponed, but certain proceedings were had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on January 6th, 1905. On January 20th, 1905, the original record in the case with the additional proceedings was forwarded the Department.

The Secretary of the Interior on April 11, 1905, again returned the case to the Commission to the Five Civilized Tribes and directed that the applicants be notified that they would be permitted to introduce at a fixed time the testimony of Scott Bell and John Willis, and that commissions should also issue in proper form for the taking of the depositions of John Marshall of Seale, Neshoba County, Mississippi, and Elan Bell of Coffadelia, Neshoba County, Mississippi.

The Commission to the Five Civilized Tribes on April 20, 1905, notified Tom Tubbee at Kiowa, Indian Territory, Cornelia Tubbee at Durwood, Indian Territory, Simpson Tubbee, in care of Charles B. Tinsley at Toles, Mississippi, Townsend N. Foster, attorney for applicants, South McAlester, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, of the Department's instructions of April 11, 1905, and that the Commission to the Five Civilized Tribes would, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., hear

J G Ralls 3

the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

No proceedings were had before this office in conformity with the Department's instructions of April 11, 1905, and on May 29, 1905, the record in the case was again returned to the Department with the information that no additional testimony or evidence had been offered by the applicants or their attorneys. The Commission also advised the Department of the death of Townsend H. Foster, one of the attorneys of record for the applicants.

September 23, 1905, the Department again returned this case for further investigation in accordance with the instructions contained in Departmental letter of April 11, 1905.

The Department states that it deems it advisable on account of the death of Townsend H. Foster, attorney of record for the applicants, and the lack of proof that the applicants received the notice the Commission sent them that they would be permitted to introduce additional evidence in support of their claims, to return the record with instructions to notify applicant Tom Tubbee at Kiowa, Indian Territory, Simpson Tubbee, care of Charles B. Tinsley, at Toles, Mississippi, Cornelia Tubbee at Durwood, Indian Territory, and J. G. Ralls, Esq. at Atoka, Indian Territory, as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by the Commissioner they will be allowed to introduce such evidence as indicated in Departmental letter of April

J G Ralls 4

11, 1905.

There are enclosed herewith for your information, copy of Departmental letter of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905, and copy of Departmental letter of September 23, 1905.

You are hereby advised that in conformity with the Department's instructions the Commissioner to the Five Civilized Tribes will, at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15, 1906, at ten o'clock A. M., hear the testimony of Tom Tubbee, the principal applicant in M. C. R. 5209, and such witnesses as he may present at that time.

The testimony of Cornelia Tubbee, now the wife of G. W. Windom, and such witnesses as she may present, will be heard by the Commissioner at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16, 1906, at three o'clock P. M.

The testimony of Simpson Tubbee and such witnesses as he may present, will be heard by the Commissioner to the Five Civilized Tribes at the Court House at DeKalb, Kemper County, Mississippi, on Friday, March 23, 1906, at ten o'clock A. M.

The testimony of John Marshall and Elan Bell, witnesses in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., will be heard by the Commissioner to the Five Civilized



J G Falls 5

Tribes at the Court House at Philadelphia, Neshoba County, Mississippi, on Wednesday, March 28, 1906, at ten o'clock A. M.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

MoM 10/2

M C R 5209

COPY.

Muskogee, Indian Territory, February 10th, 1906.

John Marshall,  
Seale, Neshoba County,  
Mississippi.

Dear Sir:

I enclose herewith for your information, copy of a letter of the Secretary of the Interior to the Commissioner to the Five Civilized Tribes, under date of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905,; also a copy of the letter of the Secretary of the Interior to the Commissioner to the Five Civilized Tribes of September 23, 1905, in reference to the consolidated Mississippi Choctaw case of Tom Tubbee, et al. The Department is desirous of securing your testimony relative to the ancestry of Tom Tubbee, Simpson Tubbee, and Cornelia Tubbee.

You are advised that the Commissioner to the Five Civilized Tribes will be at the Court House at Philadelphia, Neshoba County, Mississippi, on Wednesday, March 28th, 1906, at ten o'clock A. M., and it is earnestly desired that you be present at said time and place for the purpose of submitting your testimony in reference to your knowledge of the ancestry of the said Tom Tubbee,

John Marshall 2

Simpson Tubbee and Cornelia Tubbee.

Respectfully,

SIGNED *Wm. C. Deall.*

Acting Commissioner.

Registered.

MoM 10/6

M C R 5209

COPY.

Muskogee, Indian Territory, February 10th, 1906.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15th, 1906, at ten o'clock A. M., for the purpose of presenting your testimony and the testimony of such witnesses as you may have in reference to the right to identification of yourself and minor children as Mississippi Choctaws.

For your information there is enclosed herewith copy of Departmental letter of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905, and copy of Departmental letter of September 23, 1905, in reference to the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

Respectfully,

SIGNED

*Wm. C. Ball.*

Acting Commissioner.

Registered.

MCM 10/3

COPY.

Muskogee, Indian Territory, June 6, 1906.

The Honorable

The Secretary of the Interior.

Sir:

April 22, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the consolidated Mississippi Choctaw case of Tom Tubbee et al., embracing the applications of:

Tom Tubbee et al., M. C. R. 5209  
Simpson Tubbee, et al., M.C.R. 5210  
Cornelia Tubbee, et al., M.C.R. 5211,

with the decision of the Commission of March 15, 1904, denying the applicants.

October 27, 1904, the Department, in accordance with the recommendation of the Acting Commissioner of Indian Affairs of October 22, 1904, returned the record in said case to the Commission to the Five Civilized Tribes and directed a rehearing thereof.

November 18, 1904, the Commission notified the principal applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations that it would at its office at Muskogee, Indian Territory, within thirty days from said date hear such additional testimony as might be submitted in support

of the applicant's right to identification as Mississippi Choctaws.

Further proceedings were had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, January 6, 1905, in conformity with Departmental instructions of October 27, 1904, and on January 20, 1905, the original record, together with the additional proceedings, was returned to the Department.

April 11, 1905, the Department again remanded the case for a full investigation as to the ancestry of the applicants and directed the Commission to notify the applicants that they would be permitted to introduce at a time to be fixed, the testimony of Scott Bell and John Willis; the Commission was also instructed to issue commissions in proper form for the taking of the depositions of John Marshall and Elan Bell, residents of the State of Mississippi.

April 20, 1905, the principal applicants, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified that they would be permitted to introduce at the General Office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock a.m. the testimony of Scott Bell and John Willis, in support of the applicant's right to identification as Mississippi Choctaws. Townsend W. Foster, one of the attorneys for the applicants, was also notified that if he saw fit, he might on May 3, 1905, submit a motion for the issuance of commissions to take the depositions of John Mar-

shall and Elan Bell, witnesses in the case.

No response to this notice was received from the applicants or their attorneys and no additional testimony or evidence having been offered, all the papers transmitted with Departmental letter of April 11, 1905, were on May 29, 1905, returned to the Department.

The Department was also notified of the death of Townsend H. Foster, the attorney of record in the case of Tom Tubbee, et al.

September 23, 1905, the Department again remanded the case, with instructions that the Commissioner to the Five Civilized Tribes notify the applicant, Tom Tubbee, at Kiowa, Indian Territory, Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, Cornelia Tubbee, Durwood, Indian Territory, J. G. Ralls, Atoka, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, that at a time to be fixed by the Commissioner they would be allowed to introduce such evidence as was indicated in Departmental letter of April 11, 1905.

February 7, 1906, the Commissioner secured the testimony of Riley Willis as to the death of the witnesses John Willis and Scott Bell, from which it appears that Scott Bell died March, 1905, and that John Willis died April 23, 1905.

February 10, 1906, the Commissioner by registered

letter notified Tom Tubbee, Kiowa, Indian Territory, to appear at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of such witnesses as he might have with reference to the right of himself and children to be identified as Mississippi Choctaws.

On the same date the Commissioner by registered letter notified Cornelia Windom, nee Tubbee, care of G. W. Windom, Ardmore, Indian Territory, to appear at the Chickasaw Land Office, Ardmore, Indian Territory, Friday, March 16, 1906, at three o'clock p. m., for the purpose of presenting her testimony and the testimony of witnesses.

The Commissioner also notified Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, to appear at the Court House at DeKalb, Kemper County, Mississippi, Friday March 23, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of witnesses with reference to the right of himself and minor children to identification as Mississippi Choctaws.

Elan Bell, Coffadolia, Neshoba County, Mississippi, was also notified that the Commissioner would be at the Court house at Philadelphia, Neshoba County, Mississippi, on Wednesday March 28, 1906, at ten o'clock a. m., and he was requested to be present at said time and place for the purpose of submitting his testimony with reference to the ancestry of the applicants, Tom Tubbee,



Simpson Tubbee and Cornelia Tubbee.

Similar notice was also forwarded to John Marshall, Seale, Washoba County, Mississippi.

J. G. Ralls, Attorney at Law, Atoka, Indian Territory, and Mansfield, McMurray and Cornish, South McAlester, Indian Territory, Attorneys for the Choctaw and Chickasaw Nations, were notified of the dates set for hearing of testimony in the case as above mentioned.

In accordance with said notices a hearing was had at South McAlester, Indian Territory, March 15, 1906, at which time the applicant, Tom Tubbee, appeared as a witness. He was not represented by attorney. G. Rosenwinkel, representing Mansfield, McMurray & Cornish, appeared on behalf of the Choctaw and Chickasaw Nations.

A hearing was also had at Ardmore, Indian Territory, March 16, 1906, at which time the testimony of the applicant, Cornelia Tubbee (now Window) and Dibbin Marris was secured; Robert E. Lee representing the applicants as attorney. No appearance was entered on behalf of the Choctaw and Chickasaw Nations.

A further hearing was had at DeKalb, Mississippi, March 23, 1906, at which time the testimony of the applicant, Simpson Tubbee, was taken. The applicant was not represented by attorney and no appearance was entered on behalf of the Choctaw and

**Chickasaw Nations.**

March 27, 1906, a representative of the Commissioner visited the home of B. F. Stuart, about eleven miles east of the town of Philadelphia, Mississippi, and took the testimony of the said Stuart relative to the rights of the applicants to identification as Mississippi Choctaws.

On the same date a representative of the Commissioner visited the home of Elan Bell, about fifteen miles northeast of the town of Philadelphia, Mississippi, and procured from him a statement relative to the applicant's rights to identification as Mississippi Choctaws, though as is shown from the affidavit contained in the record said statement was not made under oath.

The testimony of John Marshall was also taken at his home sixteen miles northeast of Philadelphia, Mississippi.

I have the honor to return the original record in the case, together with the additional proceedings had at the times and places above mentioned.

The applicants do not claim to be full-blood Choctaw-Indians, their mother being of mixed blood, and originally claimed the right to identification as Mississippi Choctaws by reason of being the descendants of Lewis and Hookey, both of whom were alleged to have been full-blood Choctaw Indians.

Tom Tubbee testified at Muskogee, Indian Territory, January 6, 1905, that the name of his grandfather was Wakatubbee (or Abaanintubbee); and that it was his understanding that his grandfather complied with the treaty of 1830.

The Indian Office in its letter of March 20, 1905, (Land 28209-1904; 76115-1904; 6656-1905, 12830-1905) gives the names of persons who were residents of Washoba County, Mississippi, and who were beneficiaries under the Fourteenth Article of the Treaty of 1830, who possessed names similar to those of the ancestors of the applicants, but there is nothing in the record as now presented which would in any manner identify any of the alleged ancestors of the applicants with the persons bearing similar names, and to whom script was issued.

Tom Tubbee testified March 16, 1906, that Wakatubbee (or Alex Wakatubbee), his grandfather, came to the Indian Territory about the time of the treaty of 1830, and that he does not know what became of him; that his grandfather had a brother whose name was also Wakatubbee (or Alex Wakatubbee), who raised applicant's father, Lewis Tubbee; and that when he, Tom Tubbee, previously testified that Wakatubbee had lands in Mississippi he meant his father's uncle and not his father's father.

The material part of the testimony of Cornelia Tubbee, (now Windom) taken at Ardmore, March 16, 1906, is to the same effect as that of Tom Tubbee.

It appears from the testimony of Dibbin Harris of March 16, 1906, that Lewis Tubbee, sometimes called Kanitubbee, the father of the principal applicants, would have been about sixty-five years old at present were he living. He was, therefore, born subsequent to the Treaty of 1830. This witness states that he was raised with Lewis Tubbee; that Lewis Tubbee was raised by his uncle in Mississippi; that Lewis Tubbee had some land in Mississippi, but he does not know where he got it; that Lewis' uncle also had land in Mississippi; that he heard that Lewis Tubbee's father, Wakatubee, died in Mississippi, and that a certain grave was pointed out to him as the grave of Lewis Tubbee's father.

The material part of the testimony of Simpson Tubbee, of March 25, 1906, is to the same effect as that of Tom Tubbee and Cornelia Tubbee (now Windom), except as to Wakatubee's coming to the Territory. This applicant does not think that his grandfather ever went to the Indian Territory.

The witness E. P. Stuart, whose testimony was taken at his home in Mississippi on March 27, 1906, states that Lewis Tubbee was raised by Alex Tubbee and he understood that said Alex Tubbee was Lewis Tubbee's father; that Alex Tubbee lived on the SE/4 of the SE/4 of Sec. 24, Tp. 12, Range 13 in Heshoba County. It is the understanding of this witness that Alex Tubbee received this land from the Government.

Elan Bell states that he thinks Lewis Tubbee was not the son of Alex Tubbee; also that Alex Tubbee never had any land in Mississippi. He does not know who the father of Lewis Tubbee was and never heard of Wakatubbee.

The testimony of the witness, John Marshall, adds nothing to the testimony above referred to.

From the record as now presented it is doubtful whether the Alex Tubbee (or Wakatubee) who raised Lewis Tubbee and who lived on certain land in the State of Mississippi subsequent to the Treaty of 1830 is the ancestor of the principal applicants. It is immaterial, however, which of the two Wakatubbees was the ancestor of the applicants, for there is nothing in the testimony referred to which would in any way show that any of the ancestors of the applicants complied with Article Fourteen of the Treaty of 1830, or identify any of them with the persons bearing similar names who are shown by the records of the Indian Office to have been beneficiaries under said Article. Even if it be granted that Alex Wakatubbee, who raised Lewis Tubbee, was the ancestor of the applicants, and that he lived on the SE/4 of the SE/4 of Sec. 24, T<sub>1</sub>. 12, Range 13, in Washoba County, Mississippi, subsequent to the Treaty of 1830, there is nothing in the record which shows that he received said land under Article Fourteen of the Treaty of 1830. The description of this land does not correspond with the land described in the Indian Office letter of March 20, 1905,

for which script was issued to persons bearing similar names to those of the applicant's ancestors.

I have the honor to therefore, recommend that the original decision of the Commission to the Five Civilized Tribes, of March 15, 1904, denying the right of the applicants to identification as Mississippi Choctaws be affirmed.

Respectfully,

SIGNED *Tame Bixby.*  
Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM-19-1.

(C O P Y)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land.  
49083-1906.

WASHINGTON. November 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of June 6, 1906, from Tans Bixby, Commissioner to the Five Civilized Tribes, who says that on April 22, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., embracing the applications of:

Tom Tubbee, et al., M. C. R. 5209  
Sisapson Tubbee, et al., M. C. R. 5210  
Cornelia Tubbee, et al., M. C. R. 5211,

with the decision of the Commission of March 15, 1904, denying the applicants.

On October 27, 1904, the Department, in accordance with the recommendation of this Office of October 22, 1904, returned the record in the case to the Commission and directed a rehearing thereof.

The Commissioner reports that on November 18, 1904, the Commission notified the principal applicants, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations that it would at its office at Muskogee, within 30 days from that date, hear such testimony as might be submitted in support of the applicants' rights to identification as Mississippi Choctaws. In pursuance of this

notice further proceedings were had before the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904, and on January 20, 1905, the original record, together with the additional proceedings were returned to the Department.

On April 11, 1905, the Department again remanded the case for a full investigation as to the ancestry of the applicants, and directed the Commission to notify them that they would be permitted to introduce, at a time to be fixed, the testimony of Scott Bell and John Willis, and the Commission was also instructed to issue commissions in proper form for the taking of the depositions of John Marshall and Elan Bell, residents of the State of Mississippi.

Mr. Bixby also reports that on April 20, 1905, the principal applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that they would be permitted to introduce, at the general office of the Commission at Muskogee, on Wednesday, May 3, 1905, at 11 o'clock a. m., the testimony of Scott Bell and John Willis in support of the applicants' right to identification as Mississippi Choctaws. Townsend N. Foster, one of the attorneys for the applicants, was also notified that if he saw fit he might, on May 3, 1905, submit a motion for the issuance of commissions to take the depositions of John Marshall and Elan Bell, witnesses in the case. No response to this notice was received from the applicants or their attorneys, and no additional testimony or evidence having been offered, all the papers transmitted with Departmental letter of July 11, 1905, were, on May 29, 1905, returned to



the Department, and the Department was notified of the death of Townsend N. Foster, the attorney of record in the case.

The Commissioner further says that on September 23, 1905, the Department again remanded the case with instructions that the Commissioner notify the applicant, Tom Tubbee, at Kiowa, Indian Territory, Simpson Tubbee, o/o Charles B. Tinsley, Toles, Mississippi, Cornelia Tubbee, Durwood, Indian Territory, J. G. Balls, Atoka, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, that at a time to be fixed by the Commissioner, they would be permitted to introduce such evidence as was indicated in Departmental letter of April 11, 1905.

Mr. Bixby says that on February 7, 1906, he secured the testimony of Riley Willis as to the death of the witnesses, John Willis and Scott Bell, from which it appears that Scott Bell died in March, 1905, and that John Willis died on April 23, 1905. On February 10, 1906, the Commissioner, by registered letter, notified Tom Tubbee at Kiowa to appear at the office of the U. S. Commissioner at South McAlester, Indian Territory, on Thursday, March 15, at 10 o'clock a. m., for the purpose of presenting his testimony and the testimony of such witnesses as he might have with reference to the right of himself and children to be identified as Mississippi Choctaws. On the same date, the Commissioner, by registered letter, notified Cornelia Windom, nee Tubbee, care of G. W. Windom, Ardmore, to appear at the Chickasaw Land Office at Ardmore, on Friday, March 16, 1906, at 3 o'clock p. m. for the purpose of presenting her testimony and the testimony of witnesses. The Commissioner also notified

Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, to appear at the court house at De Kalb, Kemper County, Mississippi, on Friday, March 23, 1906, at 10 o'clock a. m., for the purpose of presenting his testimony and the testimony of witnesses with reference to the right of himself and minor children to identification as Mississippi Choctaws.

Elan Bell, Coffadelia, Neshoba County, Mississippi, was also notified that the Commissioner would be at the court house at Philadelphia, Neshoba County, Mississippi, on Wednesday, March 28, 1906, at 10 o'clock a. m., and he was requested to be present at that time and place for the purpose of submitting his testimony with reference to the ancestry of the applicants, Tom Tubbee, Simpson Tubbee and Cornelia Tubbee. Similar notice was also forwarded to John Marshall at Seale, Neshoba County, Mississippi.

J. G. Ralls, attorney at law of Atoka, Indian Territory, and Mansfield, McMurray & Cornish, at South McAlester, Attorneys for the Choctaw and Chickasaw Nations, were notified of the dates set for hearing of testimony in the case as above mentioned.

Mr. Bixby reports that in accordance with these notices a hearing was had at South McAlester on March 15, 1906, at which time the applicant Tom Tubbee appeared as a witness, that he was not represented by an attorney, and that G. Rosenwinkle, representing Mansfield, McMurray & Cornish, appeared on behalf of the Choctaw and Chickasaw Nations.

He further reports that a hearing was had at Ardmore on March 16, 1906, at which time the testimony of the applicant Cornelia Tubbee, now Windom, and Dibbin Marris was secured, Robert K. Lee

5.

representing the applicants as attorney, and that no appearance was entered on behalf of the Choctaw and Chickasaw Nations.

A hearing was had at De Kalb, Mississippi, on March 23, 1906, at which time the testimony of the applicant, Simpson Tubbee, was taken. He was not represented by an attorney and no appearance was entered on behalf of the Choctaw and Chickasaw Nations. On March 27, 1906, a representative of the Commissioner visited the home of B. F. Stuart about 11 miles east of the town of Philadelphia, Mississippi, and took the testimony of Stuart relative to the rights of the applicants to identification as Mississippi Choctaws.

On the same date a representative of the Commissioner visited the home of Alan Bell, about 15 miles northeast of the town of Philadelphia, Mississippi, and procured his testimony relative to the applicants' rights to identification as Mississippi Choctaws, although, as is shown from the affidavit containing the record, his declarations were not made under oath. The testimony of John Marshall was also taken at his home, 18 miles northeast of Philadelphia.

The Commissioner returns the original record in the case, together with record of the additional proceedings had at the times and places mentioned.

He says that the applicants do not claim to be full blood Choctaw Indians, their mother being of mixed blood (Choctaw and Cherokee), and originally claimed the right to identification as Mississippi Choctaws by reason of being the descendants of Lewis and Sookkey, both of whom were alleged to have been full blood Choctaw Indians.

Mr. Bixby refers to the fact that Tom Tubbee testified at Musko-

see on January 6, 1905, that the name of his grandfather was Wakatubbe (or Awanintubbee), and that it was his understanding that his grandfather complied with the treaty of 1830.

The Commissioner refers to Office letter of March 20, 1905, wherein there was given the names of persons who were residents of Neshoba County, Mississippi, who were beneficiaries under the 14th article of the treaty of 1830, and who possessed names similar to those of the ancestors of the applicants, but says that there is nothing in the record as now presented which would in any manner identify any of the alleged ancestors of the applicants with the persons bearing similar names and to whom scrip was issued.

Mr. Bixby further invites attention to the fact that Tom Tubbee testified on March 15, 1906, that Wakatubbee (or Alex Wakatubbee), his grandfather, came to the Indian Territory about the time of the treaty of 1830, and that he does not know what became of him; that his grandfather had a brother, whose name was also Wakatubbee (or Alex Wakatubbee), who raised the applicant's father, Lewis Tubbee and that when he, Tom Tubbee, previously testified that Wakatubbee had lands in Mississippi, he meant his father's uncle and not his father's father. The Commissioner finds that the material part of the testimony of Cornelia Tubbee, now Windom, taken at Ardmore on March 26, 1906, is to the same effect as that of Tom Tubbee.

Mr. Bixby finds from the testimony of Dibbin Harris, of March 16, 1906, that Lewis Tubbee, sometimes called Kanitubbee, the father of the principal applicants, would have been about 65 years old at the present time were he living, that he was therefore born

subsequent to the treaty of 1830, that Harris testified that he was raised with Lewis Tubbee, that Lewis Tubbee was raised by his uncle in Mississippi, that Lewis Tubbee had some land in Mississippi, but he does not know how he got it; that Lewis's uncle also had land in Mississippi; that he heard that Lewis Tubbee's father, Wakatubbee, died in Mississippi, and that a certain grave was pointed out to him as the grave of Lewis Tubbee's father.

The Commissioner finds that the material part of the testimony of Simpson Tubbee of March 25, 1906, is to the same effect as that of Tom Tubbee and Cornelia Tubbee, now Winda, except as to Wakatubbee's coming to the Territory, Simpson Tubbee being of opinion that his grandfather never went to the Indian Territory.

The Commissioner quotes the witness F. B. Stuart, whose testimony was taken at his home in Mississippi on March 27, 1906, as saying that Lewis Tubbee was raised by Alex Tubbee, and he understood that Alex Tubbee was Lewis Tubbee's father; that Alex Tubbee lived on the SE/4 of the SE/4 of Sec. 24, T. 12 N., R. 13 E., in Neshoba County, and it was his understanding that Alex Tubbee received this land from the Government.

Elan Bell testified that he thought Lewis Tubbee was not the son of Alex Tubbee; that Alex Tubbee never had any land in Mississippi, and that he did not know who the father of Lewis Tubbee was and never heard of Wakatubbee.

In the judgment of the Commissioner the testimony of the witness, John Marshall, adds nothing to the testimony which he has outlined.

From the record as now presented the Commissioner believes it to be doubtful whether the Alex Tubbee, or Wakatubbee, who raised Lewis Tubbee and who lived on certain land in the State of Mississippi subsequent to the treaty of 1830, is the ancestor of the principal applicant, that it is immaterial which of the two Wakatubbees was the ancestor of the applicant's father, nothing in the testimony referred to showing in any way that any of the ancestors of the applicants complied with article 14 of the treaty of 1830, or identifying any of them with the persons bearing similar names who are shown by the records of this office to have been beneficiaries under the article. He adds that even if it be granted that Alex Wakatubbee who raised Lewis Tubbee, was the ancestor of the applicants and that he lived on the SE/4 of the SE/4 of Sec. 24, T. 12, R. 13, in Weshoba County, Mississippi, subsequent to the treaty of 1830, there is nothing in the record which shows that he received the land under article 14 of the treaty of 1830, that the description of the land does not correspond with the land described in Office letter of March 20, 1908, for which scrip was issued to persons bearing names similar to those of the applicants' ancestors.

The Commissioner recommends that the original decision of the Commission to the Five Civilized Tribes, of March 25, 1904, denying the rights of the applicants to citizenship as Mississippi Choctaws, be affirmed.

There has been a very painstaking investigation of this case, growing out of the facts that these parties are full blood Indians, that they live in the Choctaw country in Mississippi, speak

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the Choctaw language, and give every evidence of being descended from Choctaw ancestors resident in Mississippi at the time of the making of the treaty of 1830. Under present laws they are not entitled to identification as Mississippi Choctaws unless they show that they are full blood Choctaws or that they are descended from beneficiaries under the 14th article. After the taking of the additional testimony called for by the Department, the record is no more conclusive of their being descended from 14th article beneficiaries than it was originally. They cannot be identified as full blood Choctaws because their mother was either altogether Cherokee or at least part Cherokee blood, and they have failed utterly to show their descent from 14th article beneficiaries. For these reasons I concur in the recommendation of the Commissioner.

Very respectfully,

G. F. Larrabee,  
Acting Commissioner.

FBH-Y.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

GR.  
LLB.

I.T.D. 23260-1906.

February 13, 1907.

LRS.  
Direct.

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

Sir:

In accordance with the recommendation of the Indian Office of November 20, 1906 (Land 49083), copy whereof is inclosed, the original decision of the Commission to the Five Civilized Tribes dated March 15, 1904, refusing to identify as Mississippi Choctaws Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee, and Adolphus Tubbee is hereby affirmed.

You will advise applicants and their attorney of this action.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,  
First Assistant Secretary

1 inc. and 4 to Ind. Of.

A. F. Ho.  
2-14-07.



MCR-5209

Muskogee, Indian Territory, February 21, 1907.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 13, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of November 20, 1906, affirming the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

WLM.  
Encl. 21/1

Commissioner.

MCR-5209

Muskogee, Indian Territory, February 21, 1907.

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

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 13, 1907 ( I T D 23260-1906 ), accompanied by the report of the Acting Commissioner of Indian Affairs of November 20, 1906 ( Land 49083-1906 ), affirming the decision of the Commission to the Five Civilised Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

WLM.  
Encl. 21/2

Commissioner.

MUR-5209

Muskogee, Indian Territory, February 21, 1907.

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

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 13, 1907 ( I T D 23260-1906 ), accompanied by the report of the Acting Commissioner of Indian Affairs of November 20, 1906 ( Land 49083-1906 ), affirming the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

WLM.  
Encl. 21/3

Commissioner.

MOR-5209

Muskogee, Indian Territory, February 21, 1907.

Charles B. Tinsley,  
Toles, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 13, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

G.R.  
LLB

D.C. 19-375-1905.

WASHINGTON.

I.T.D. 5493, 8111, 8543,  
9095, 10852-1904.  
2362-1905.

April 11, 1905.

SIR,

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

Gentlemen:

Relative to the consolidated applications of Tom Tubbee et al., M.C.R. 5209 et al., for identification as Mississippi Choctaws, the record shows that all the applicants appeared before the Commission at its sitting at Philadelphia, Miss., in January and February, 1899, for identification as Mississippi Choctaws, and the name of the applicant Tom Tubbee appears opposite No. 854 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, as also appears thereon the names of applicants Simpson Tubbee, opposite No. 1923, Lewis Tubbee, Amanda Tubbee, Cornelis Tubbee, Jeff Tubbee, John Tubbee, and Adolphus Tubbe, opposite Nos. 1884-1889, inclusive.

Applicants (although notified and living in the immediate vicinity) refused to appear before the Commission at its sitting at Toles, Miss., in April, 1902, on the ground that they had been advised by their attorney that their further appearance at Toles, Miss., on the day cited was unnecessary, as they had

already been identified at Philadelphia, Miss., in 1899. Applicants, however, were represented by one Charles B. Tinsley, who testified in their behalf and who the Commission stated (see page 4 of record) "is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children whose names are set forth in this application." Similar statements were made by the Commission as to the other applicants. Lewis Tubbee, one of the original applicants having died, Manda Tubbee, his wife, appeared before the Commission at Muskogee, Ind. Ter., on March 23, 1903, for the identification of herself and her three children, namely, Cornelia, Jeff, and Adolphus Tubbee, as Mississippi Choctaws. As to the personal appearance of last-named applicants the Commission stated that "two of these children for whom application is made are before the Commission and have the appearance of possessing fully as much Choctaw blood as is claimed for them; the boy, Jeff, would easily pass for a full blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw."

The evidence shows that the last-named applicants recently removed from near Toles, Miss., to Ardmore, Ind. Ter., and it appears that John Tubbee, the son of Amanda Tubbee, had preceded her removal (pages 10 and 11), and it may be that two of Tom Tubbee's uncles removed to the Indian Territory "between the years 1833 and 1838" (page 3).

The principal applicant, Tom Tubbee, is now living at Kiowa, Ind. Ter., and from his newly acquired residence filed a motion for a rehearing in his case on April 30, 1904, and on account of the incompleteness of the record a rehearing was directed to be granted (see departmental letter of October 27, 1904, I.T.D. 10854-1904).

On December 17, 1904, the Commission of its own motion granted applicants 20 days additional time within which "to introduce such witnesses as they may desire to present in support of the application of Tom Tubbee, et al., for identification as Mississippi Choctaws," and in pursuance of such order the taking of the testimony of Joe Jimmerson, a witness not mentioned in the motion for a rehearing, is not deemed error, but the refusal of the Commission to continue the hearing of the case even for one day as requested by attorney for applicants to secure the attendance Scott Bell as a witness before the Commission, is deemed error, as it appears that Scott Bell was at the time in attendance on the court at Atoka, Ind. Ter., presumably as a witness or as a party to a suit pending therein, and if so, his absence was excusable.

The Commission in its decision dated March 15, 1904, denied the applications of applicants on the ground that it did not appear that either Lewis or Sockey, ancestors through whom applicants claimed, were in anywise beneficiaries under the provisions of article fourteen of the treaty of 1830, or under sub-

sequent enactments relative thereto.

Applicants now trace their descent to an ancestor named Wakatubbee, alias Abaanintubbee, alias Alex Wakatubbee, who it is claimed was living in 1830 as the Choctaw head of a family in Mississippi close to Owl Creek, about 12 miles from Philadelphia, the county seat of Neshoba County, Mississippi.

Inasmuch as the records of the Indian Office show that several persons names Waka Tubbee, or persons bearing similar names, were beneficiaries under the provisions of article fourteen of the treaty of 1830 or acts passed in pursuance thereof, and were living in 1830 on certain lands in Neshoba County, Mississippi, it is essential that all the light possible that can be thrown upon the identity of applicant's ancestor should be secured.

You are directed to notify applicants that they will be permitted to introduce, at a time fixed by you, the testimony of Scott Bell and John Willis, and commissions should also issue in proper form for the taking of the depositions of "John Marshall, who lives up near Seale in Neshoba Co., Miss., and Elan Bell, who lives near Coffadelia, Miss., "witness shown on page 4 of the record, most likely to know more about the matter than any other known witness.

The case is remanded for a fuller investigation as to the ancestry of applicants as herein indicated, and in view of the records of the Indian Office as shown by letter herewith.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.



Land  
28209-1904.  
76115-1904.  
6658-1905.  
12830-1905.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 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 January 20, referring to the fact that on October 27, 1904, the Department with its letter of that date, "I.T.D. 10852-1904", in accordance with the recommendations of this office, remanded for a rehearing the record in the matter of the consolidated application for the identification of Tom Tubbee, et al, embracing the following applications for identification as Mississippi Choctaws: Tom Tubbee, et al; Simpson Tubbee, et al; and Cornelia Tubbee, et al.

On November 18, 1904, the Commission advised the applicants, Tom Tubbee at Kiowa, Indian Territory; Simpson Tubbee at Toles, Mississippi; and Cornelia Tubbee at Durwood, Indian Territory; their attorneys of record, T. H. Foster at South McAlester; J. G. Ralls at Atoka, and Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, that the Commission would, at its office at Muskogee at any time within thirty days from the date of such notice, hear the testimony of such witnesses as might be

present in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al, the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray and Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office at Muskogee, but was not at that time accompanied by either of his attorneys, Townsend H. Foster or J. G. Ralls. Neither were the Choctaw and Chickasaw Nations represented by their attorneys, and as the applicant, Tom Tubbee, seemed to be ignorant of his purpose in appearing before the Commission at that time, a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney, Townsend H. Foster; the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employee of Messrs. Mansfield, McMurray and Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there is also incorporated therein a copy of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Neshoba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jimmerson, to the taking of whose testimony objection was entered by the attorney for the Choctaw and Chickasaw Nations

for the reason that he was not named in the motion for rehearing in this case filed with the Department as one of the witnesses who would testify. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this case.

At the conclusion of the proceedings had on January 6, 1905, Townsend N. Foster, the attorney for the applicants, requested a further continuance in this case for the purpose of securing the testimony of Scott Bell, to which action attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission, and the case closed.

There is transmitted, therefore, for the consideration of the Department, the original record in the matter of the application of Tom Tubbee, et al, for the identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904.

The applicants base their claims to a right of identification as Mississippi Choctaws on their descent from Wakatubbee, otherwise known as Alex Wakatubbee and Abaanintubbee, through his son Lewis Tubbee, it being alleged that Wakatubbee or Abaanintubbee was a full-blood Choctaw, and a resident of the Choctaw Nation in Mississippi in 1830; also that he owned land in Mississippi upon which he resided throughout his life, he having died at some time subsequent to the Civil War.

Tom Tubbee, who was a witness in his own behalf and for the others claiming this case, is an Indian, talks the Choctaw language and talks the English language with an accent. His grandfather lived in Weshoba County throughout his life, as did Lewis Tubbee, his son, and Tom Tubbee has spent most of his life in that County.

There was no Choctaw of the name of Wakatubbee who received land in Mississippi under the 14th article of the Choctaw Treaty. There were a number of persons who were applicants for benefits under the 14th article in behalf of whom scrip was issued, whose names approximate the name as given by the witnesses in the record in this case. According to the testimony of Tom Tubbee, his grandfather would now be one hundred years of age or more, and was necessarily then a man of twenty-five years in 1830, at such an age as Choctaws were usually heads of families.

There was a Wak-ah-tubbee who resided on the NE/4 of Sec. 35, T. 11 N., R. 11E., Newton County, Mississippi, in behalf of whom scrip was issued, whose children were Abbe-ho-chi-ah and Ah-pi-sah, who died without issue, Ah-ho-nah, a daughter, Ok-ah-oh-ah, a daughter, and Ah-chuck-mah-he-ah, who died without issue; all of these being over ten years of age; Fella-kio-tubbee was a son under ten years. Wak-ah-tubbee died in 1833.

Wak-kah-tubbee was the head of a family in 1830, and scrip was issued in behalf of him and his children, who were

Ela-ho-te-mah and Ene-la-tonah, both daughters; his wife was named Nola. At that time he lived on the NW/4 of Sec. 10., T. 9 N., R. 13 E., Neshoba County, Mississippi.

Wak-e-o-tubbee was the head of a Choctaw family in 1830, and resided on Sec. 5, T. 4 N., R. 11 E., Jasper County, Mississippi. He died in 1839. His children were Ok-cha-tubbee, who died without issue, Ish-tan-tubbee, both over ten years of age, and Ulth-lo-tah, a daughter, under ten years of age. His wife was named Pa-lo-mah.

There was a Wak-a-tubbee, a son of Ho-ti-ka, in behalf of whom scrip was issued, who was under ten years of age in 1830. The family resided on Sec. 7, T. 10 N., R. 10 E., Neshoba County.

Wak-a-tubbee was a son of Hin-moka-tona and was over ten years of age. Scrip was issued in his behalf. The family resided on the SW/4 of Sec. 13, T. 11 N., R. 10 E., Neshoba County.

Wak-is-tubbee was a boy under ten years of age, a son of Hoo-too-nah, and they resided in Jasper County.

There was no beneficiary under the 14th article named Abaanintubbee as given by the Commission. There was an Abbe-neen-tubbee over ten years of age, a son of Im-ish-too-nah, who lived in the southern part of Newton County.

Aba-nin-tubbee was over ten years of age and a son of Hia-cut-chee, a resident of Newton County.

There was no persons by the name of Alex who was a beneficiary under the 14th article.

Scrip was issued on behalf of three persons of the name of Lewis. They were children, sons of Ah-chau-nan-tubbee, Ok-a-la-ancha-hubbee and Tan-a-b-nubbee.

There is nothing in the record in this case to indicate that the applicants are descended from any of these beneficiaries under the 14th article whose names have been given. I am therefore of opinion that the decisions of the Commission rejecting them should be approved, and I therefore recommend that such an order be issued as to Tom Tubbee and his five minor children, Mollie, William T., Pinkey, Andrew and Pearlle Tubbee; Simpson Tubbee and his two minor children, Ira and Edgar Tubbee; and Cornelia Tubbee and his two minor brothers, Jeff and Adolphus Tubbee.

Letter of the Commission of February 10, transmitting brief in behalf of the Choctaw and Chickasaw Nations in this case is also forwarded.

Very Respectfully,

C. F. Larrabee,  
Acting Commissioner.

EHL-WDW

Muskogee, Indian Territory, April 14, 1905.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, 1905, asking if the names of yourself and family have been approved as Mississippi Choctaws.

In reply you are informed that on January 20, 1905, the record in your case, together with the additional proceedings had since the remanding of said case, on October 27, 1904, was forwarded to the Secretary and up to the present time the Commission has not been advised of any departmental action thereon.

When the Department passes upon your case you will be notified by the Commission of such action as may be taken.

Respectfully,

Commissioner in Charge.

M C R 5209

Muskogee, Indian Territory, April 20, 1905.

Tom Tubbee,  
Kiowa, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, you will be permitted to introduce at the general office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A.M. the testimony of Scott Bell and John Willis in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Registered

Chairman.



M C R 5210

Muskogee, Indian Territory, April 20, 1905.

Simpson Tubbee,  
c/o Chas. B. Tinsley,  
Toles, Mississippi.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the Mississippi Choctaw case of Tom Tubbee, et al. and other cases consolidated therewith.

Respectfully,

Chairman.

Registered.

M C R 5211

Muskogee, Indian Territory, April 20, 1905.

Cornelia Tubbee,

Durwood, Indian Territory.

Dear Madam:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the Mississippi Choctaw case of Tom Tubbee, et al. and other cases consolidated therewith.

Respectfully,

Chairman.

Registered.

M C R 5209

Muskogee, Indian Territory, April 20, 1905.

Townsend N. Foster,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

You may, if you see fit, on the same date submit a motion for the issuance of commissions to take the depositions of John Marshall, of Seale, Mississippi, and Elan Bell, of Coffadelia, Mississippi.

A copy of departmental letter above referred to is herewith enclosed for your information.

Respectfully,

Registered.

Chairman.

McM 20/3

M C R 5209

Muskogee, Indian Territory, April 20, 1905.

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

Gentlemen:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

A copy of departmental letter of April 11, 1905, in reference to the above case is herewith enclosed.

Respectfully,

Chairman.

Registered.

McM 20/2

Muskogee, Indian Territory, May 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The Department with its letter of October 27, 1904, (I T D 10852-1904) remanded to the Commission for a rehearing the record in the matter of the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

On November 18, 1904, the Commission notified the applicants in this case, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations, that it would, at its office at Muskogee, Indian Territory, on any date prior to the expiration of thirty days from the date of such notice, hear the testimony of such witnesses as might be presented in support of said case.

Tom Tubbee, the principal applicant, personally appeared before the Commission at Muskogee on December 17, 1904, but as neither of his attorneys were present, and as the Choctaw and Chickasaw nations were not represented, a continuance of twenty days was granted.

On January 6, 1905, Tom Tubbee again appeared before the Commission, this time being accompanied by his attorney, Townsend

H. Foster; the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employe of the firm of Mansfield, McMurray & Cornish. The testimony of Tom Tubbee was taken, and there was also incorporated therein a copy of his testimony given before the Commission at Philadelphia, Mississippi.

One Joe Jimmerson was introduced as a witness and an objection to the taking of his testimony was made by the representative of the Choctaw and Chickasaw Nations, as the name of this witness was not given in the motion for a rehearing.

A further continuance in this case was refused by the Commission on January 6, 1905, and the record, together with additional proceedings, was forwarded the Department January 20, 1905, in accordance with departmental instructions of October 27, 1904.

On April 11, 1905 (I T D 5493, 8111, 8543, 9095, 10882-1904, 2862-1905), the Department again returned to the Commission the record in the consolidated Mississippi Choctaw case of Tom Tubbee, et al., with instructions that the applicants be given another opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the above instructions the Commission notified the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaws Nations that on Wednesday, May 3, 1905,

at the General Office at Muskogee, permit the introduction of the testimony of Scott Bell and John Willis in support of the above consolidated case. Townsend N. Foster was also notified that he might, if he saw fit, on May 3, 1905, submit a motion for the issuance of a commission to take the depositions of John Marshall and Elan Bell, witnesses in this case.

No response having been received from the applicants or their attorney, to the notice of April 20, 1905, and no additional testimony or evidence having been offered, all papers transmitted with departmental letter of April 11, 1905, are herewith returned.

The Commission has received information of the death of Townsend N. Foster, attorney of record in the case of Tom Tubbee, et al., some ten days ago.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

MoM 1

Com'r No. 45158

C O P Y

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
Washington.

I.T.D. 10852-1904.  
7156-1905.

September 23, 1905.

L R S

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

Sir:

There is returned to you the remanded record in the consolidated cases of Tom Tubbee et al., applicants for identification as Mississippi Choctaws, for further investigation in accordance with instructions contained in departmental letter dated April 11, 1905 (I.T.D. 5493, 8111, 8543, 9095, 10852-1904, 2862-1905).

It appears from your report that in accordance with departmental letter of above date, April 11, 1905, you notified applicants and their attorneys that on a certain day they would be permitted to introduce additional evidence in support of said claim, but no copies of any such notices are inserted in the record, and you state at the close of your letter that you "received information of the death of Townsend H. Foster, attorney of record in the case of Tom Tubbee, et al., some ten days ago."

The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional



evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbee at Kiowa, Ind. T.; Simpson Tubbee, care of Charles B. Tinsley, at Toles, Miss.; Cornelia Tubbee at Durwood, Ind. T., and J. J. Ralls, Esq., at Atoka, Ind. T., as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905.

As the names of applicants in this case appear on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, and as applicants have removed from near Toles, Miss., their former home, to the Indian Territory, since the first hearing had for their enrollment, it is proper that the record should show that they were given every opportunity to present their claim upon the merits, as the case appears to be a meritorious one.

Respectfully,

THOS RYAN

Acting Secretary.

Through the  
Commissioner of Indian Affairs.

3 inclosures.

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To **Tom Tubbee**

**Kiowa, Indian Territory.**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **South McAlester** in the **Choctaw Nation** Indian Territory, on the **15th** day of **March** 190**6**, to testify before said Commissioner in the matter of the **consolidated Mississippi Choctaw** case of **Tom Tubbee, et al.***

Dated at **Muskogee, I. T.** this **20th** day of **February** 190**6**.

SIGNED

*W. O. Beall*

Acting Commissioner.

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY

To **Elan Bell,**

**Coffadella, Mississippi.**

*{ Re. changed to Cuscuta, Miss. }*

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Philadelphia, Neshoba Co.,** ~~in~~ **Mississippi** ~~on~~.  
~~Indiantown, Mississippi,~~ on the **28th** day of **March,** **196**, to testify before said Commissioner in the matter of the **consolidated Mississippi Choctaw**  
**case of Tom Tubbee, et al.**

Dated at **Muskogee, Ind. Ter.** this **20th** day of **February** **196**.

SIGNED

*W. O. Beall*  
 Acting Commissioner.

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

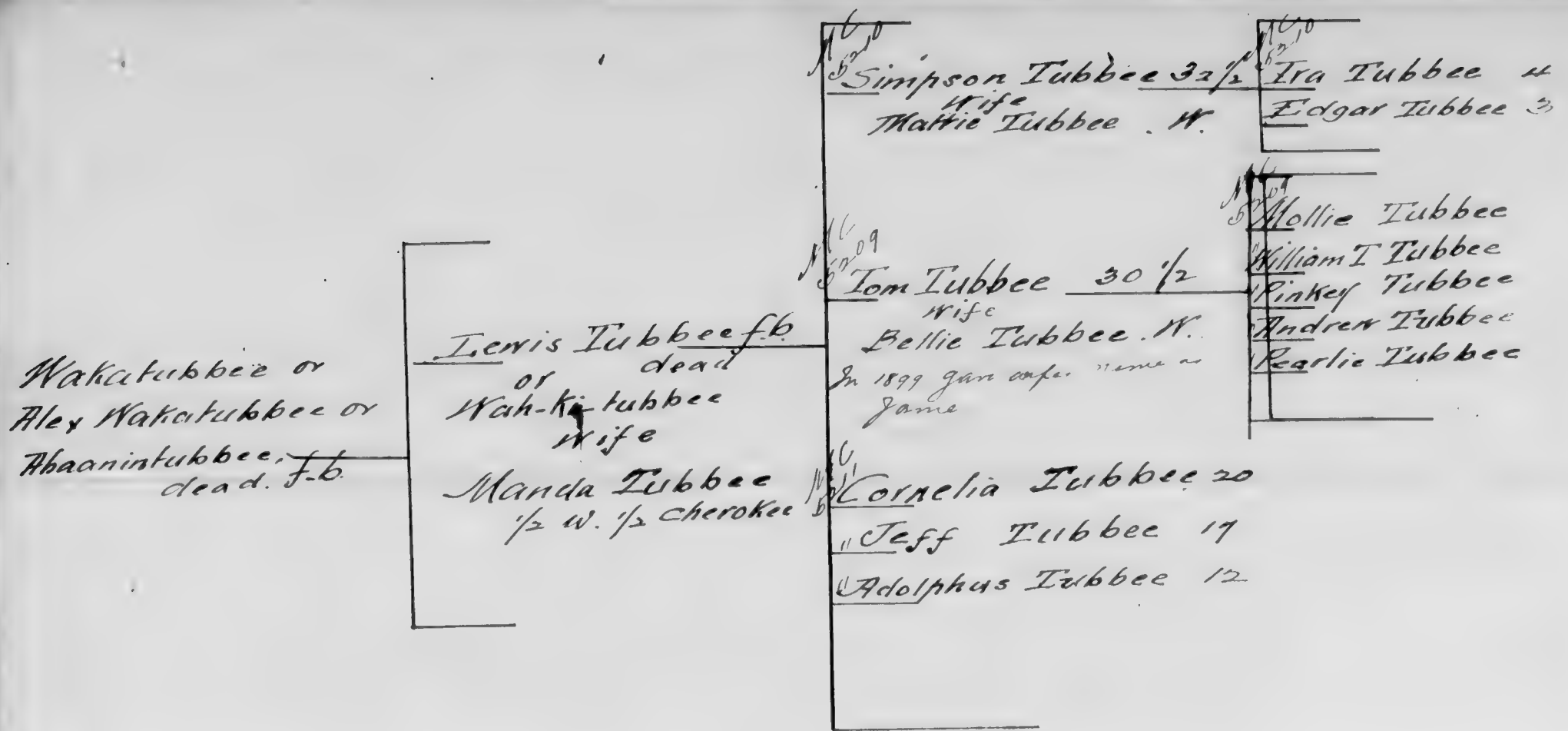
To **John Marshall,**

**Seale, Mississippi.** (*changed to Philadelphia, Texas.*)

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Philadelphia, Neshoba Co., in ~~the~~ Mississippi, ~~at Seale~~** ~~in ~~the~~ Mississippi~~, on the **28th** day of **March** **1906**, to testify before said Commissioner in the matter of the **consolidated Mississippi Choctaw** case of **Tom Tubbee, et al.**

Dated at **Muskogee, Ind. Ter.** this **20th** day of **February** **1906**

Sho. 5-  
  
 Acting Commissioner.



Remanded case

For Identification as a Mississippi Choctaw.

*John Miss.*  
Date

APR 10 1902

Name *Tom Tubbee*

Age *30* Blood *1/2*

Post Office, *Larnall, Miss.*

Father: *Lewis Tubbee. d*

Mother: *Manda " L*

Claims through

*wife* *Mollie Tubbee (white) L*

*Miss. Proc case = D. 64 " 53..*

*For self " " children -*

Children:

- |                   |               |              |
|-------------------|---------------|--------------|
| <i>Mollie</i>     | <i>Tubbee</i> | <i>8</i>     |
| <i>William J.</i> | "             | <i>6</i>     |
| <i>Pinky</i>      | "             | <i>4</i>     |
| <i>Andrew</i>     | "             | <i>1</i>     |
| <i>Pearlie</i>    | "             | <i>F 6mo</i> |

Stenographer

*J. S. Niles*

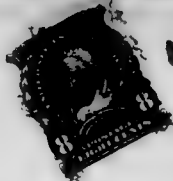
U.S. DEPT. OF JUSTICE  
DIV. OF INVESTIGATION  
MAR 3 1906

MAR 3 1906

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*1000*

**UNCLAIMED**

*PROPERTY OF THE U.S. DEPARTMENT OF THE INTERIOR  
RETURN TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY*

*Returned to sender*

~~Plan pell,~~

*Cashitusa*

~~Coffadellish, Mississippi.~~



Choctaw MCR 5210

Simpson Tubbee

See MCR 538, 5209

MCR 5210

6210

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Simpson Tubbee for the identification of himself and two minor children, Ira and Edgar, as Mississippi Choctaws, represented by Charles B. Tinsley.

Said Charles B. Tinsley, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Charles B. Tinsley.
- Q How old are you? A I will be seventy years old in September.
- Q What's your postoffice address? A Toles.
- Q Kemper County, Mississippi? A Yes.
- Q How long have you lived in Kemper County? A I've lived here about sixty-seven or sixty-eight years.
- Q What's your occupation? A Farming.
- Q Are you acquainted with a man by the name of Simpson Tubbee? A Yes sir.
- Q How long have you known him? A Seven or eight years.
- Q How long has he lived in this County? A He's lived here about six years I reckon.
- Q How far does he live from you? A About a mile and a half.
- Q About how old a man is he? A About thirty-two or thirty-three.
- Q How much Choctaw blood has he? A Half breed.
- Q Does he speak or understand the Choctaw language? A Yes sir, he can speak it and understand it, though he's not perfect in it.
- Q What's his postoffice address? A Toles.
- Q Do you know where he lived before he came to Kemper County? A He lived in Winston County.
- Q Is his father living? A No sir.
- Q What was his name? A Lewis.
- Q Is his mother living? A Yes sir.
- Q What's her name? A Manda.
- Q How much Choctaw blood did his father have? A Full blood.
- Q His mother has no Choctaw blood? A None that I know of.
- Q Is Simpson Tubbee a full brother of Tom Tubbee concerning whom you have given your testimony before the Commission this morning? A Yes sir.
- Q Is Simpson married? A Yes sir.
- Q Wife living? A Yes sir.
- Q Are they living together? A Yes sir.
- Q What's her name? A Mattie.
- Q Has she any Choctaw blood? A No sir.
- Q Full blood white woman? A Yes sir, claims to be .
- Q Have they any children living? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages? A Ira and Edgar.
- Q How old is Ira? A About four years old.
- Q How old is Edgar? A About three.
- Q Do you know whether he was lawfully married to this woman Mattie or not? A No sir, I don't know.
- Q Do you know whether any application of any description has ever been made in behalf of this man Simpson Tubbee or these children before today? A Yes sir, three years ago at Philadelphia.

Simpson Tubbee et al--2

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 his two minor children, Ira and Edgar, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. D-65; that on the 8th day of March, 1899, the name of Simpson Tubbee was transferred from M. C. C. Field No. D-65 to M. C. C. Field No. 538. The name of Simpson Tubbee also appears upon page 108 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being number 1923 thereon. In the record of the application of Tom Tubbee, his brother, made to the Commission three years ago at Philadelphia, Mississippi, appears the following, same being on page 116 of the transcript of evidence taken in Mississippi Choctaw cases by the Commission in January and February, 1899:-

"At Philadelphia, Missi, February 4th, 1899, by mail, the applicant presents marriage certificate dated July 16th, 1896, which is as follows: "The State of Mississippi, Kemper County. By virtue of a license from the Clerk of the Circuit Court of said County of Kemper, I have this day celebrated the Rites of Matrimony between Mr. S. T. Tubby and Miss Mattie Watkins. Given under my hand, this the 16th day of July, A. D. 1896. Rev. C. F. Johnson."

Q Do you know whether any other application of any kind besides this one made three years ago has ever been made for these people?

A No sir, I don't know but I think there has.

Special reference is hereby made to the testimony of Mr. Charles B. Tinsley taken before the Commission on this date in the matter of the application of Tom Tubbee for the identification of himself and five minor children as Mississippi Choctaws.

Q Have you ever talked to this man about appearing before the Commission, during the past year? A I had a talk with him last Summer and insisted on his going before the Commission at Meridian.

Q What did he say? A He told me that it wasn't necessary—that he had been at Philadelphia three years ago and it wasn't necessary for him to go any more.

Q Are you interested in any way in the result of Simpson Tubbee's application? A No sir.

Simpson Tubbee, for whom this application is made, lives within a mile of the Camp of the Commission at Teles, Mississippi. His home was, on the 8th inst., visited by a representative of the Commission and it was found that he was away from home on Pearl River fishing and it was uncertain as to his return. Word was left with his wife

Simpson Tubbee et al --3

to notify him to appear at once before the Commission but he has thus far failed to do so. From the testimony of Mr. Tinsley there can be no doubt that he is one half Choctaw and has living with him two minor children.

-----

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 Teles, Mississippi, April 10th, 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 16th day of April, 1902,  
at Meridian, Mississippi.

*L. D. Mosely*

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

By

*[Signature]*

Deputy.

M C R 5209  
M C R 5210  
M C R 5211

Muskogee, Indian Territory, April 6, 1904.

Charles B. Tinsley,  
Tolox, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinkey Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

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

Respectfully,

(S-11-01)

*T. B. Needles.*

Registered.

Commissioner in Charge.

M C R 5210

Muskogee, Indian Territory, November 18, 1904.

Simpson Tubbee,  
c/o Chas. B. Tinsley,  
Toles, Mississippi.

Dear Sir:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date hereof hear such additional testimony as you may desire to submit in support of the application for the identification of yourself and minor children as Mississippi Choctaws.

The Commission must be furnished with proper proof of service of notice upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, of the time and place such testimony is intended to be offered, before the same can be heard.

Respectfully,

Registered.

Chairman.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 17th, 1904.

-----

In the matter of the application of Tom Tubbee, et al.,  
for identification as Mississippi Choctaws, M C R 5209.

On this date personally appeared before the Commission Tom Tubbee, the principal applicant in this cause, and stated that he was unable to procure the attendance of his witnesses at this time. The applicant is not accompanied by his attorney, and on motion of the Commission it is hereby ordered that twenty days additional time be allowed the applicant and his attorney in this case from the date hereof within which to introduce the testimony of such witnesses as they may desire to present in support of the application of Tom Tubbee, et al. for identification as Mississippi Choctaws.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Birby  
Chairman.

Land  
28209-1904  
76115-1904  
6658-1905  
12830-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 20, 1906.

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 January 20, referring to the fact that on October 27, 1904, the Department with its letter of that date, "I.T.D.10852-1904," in accordance with the recommendation of this office, remanded for a rehearing the record in the matter of the consolidated application for the identification of Tom Tubbee, et al., embracing the following applications for identification as Mississippi Choctaws: Tom Tubbee, et al; Simson Tubbee, et al; and Cornelia Tubbee, et al.

On November 18, 1904, the Commission advised the applicants, Tom Tubbee at Kiowa, Indian Territory; Simpson Tubbee at Toles, Mississippi; and Cornelia Tubbee at Durwood, Indian Territory; their attorneys of record, T. H. Foster at South McAlester; J. G. Ralls at Atoka, and Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, that the Commission would, at its office at Muskogee at any time within thirty days from the date of such notice, hear the testimony of such witnesses as might be



present in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray & Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office at Muskogee, but was not at that time accompanied by either of his attorneys, Townsend E. Foster or J. G. Halls. Neither were the Choctaw and Chickasaw Nations represented by their attorneys, and as the applicant, Tom Tubbee, seemed to be ignorant of his purpose in appearing before the Commission at that time, a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney, Townsend E. Foster; the Choctaw and Chickasaw Nations being represented by J. H. Moore, an employee of Messrs. Mansfield, McMurray & Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there is also incorporated therein a copy of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Echoba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jimmerson, to the taking of whose testimony objection was entered by the attorney for the Choctaw and Chickasaw Nations

for the reason that he was not named in the motion for rehearing in this case filed with the Department as one of the witnesses who would testify. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this case.

At the conclusion of the proceedings had on January 6, 1905, Townsend L. Foster, the attorney for the applicants, requested a further continuance in this case for the purpose of securing the testimony of Scott Bell, to which action attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission, and the case closed.

There is transmitted, therefore, for the consideration of the Department, the original record in the matter of the application of Tom Tubbee, et al., for the identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904.

The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wakatubbee, otherwise known as Alex Wakatubbee and Abaanintubbee, through his son, Lewis Tubbee, it being alleged that Wakatubbee or Abaanintubbee was a full-blood Choctaw, and a resident of the Choctaw Nation in Mississippi in 1830; also that he owned land in Mississippi upon which he resided throughout his life, he having died at some time subsequent to the civil war.

Tom Tubbee, who was a witness in his own behalf and for the others claiming this case, is an Indian, talks the Choctaw language and talks the English language with an accent. His grandfather lived in Heshoba County throughout his life, as did Lewis Tubbee, his son, and Tom Tubbee has spent most of his life in that County.

There was no Choctaw of the name of Wakatubbee who received land in Mississippi under the 14th article of the Choctaw Treaty. There were a number of persons who were applicants for benefits under the 14th article in behalf of whom scrip was issued, whose names approximate the name as given by the witnesses in the record in this case. According to the testimony of Tom Tubbee, his grandfather would now be one hundred years of age or more, and was necessarily then a man of twenty-five years in 1830, at such an age as Choctaws were usually heads of families.

There was a Wak-ah-tubbee who resided on the NE/4 of Sec. 35, T. 11 N., R. 11 E., Newton County, Mississippi, in behalf of whom scrip was issued, whose children were Abbe-ho-chi-ah and Ah-pi-sah, who died without issue, Ah-ho-nah, a daughter, Ok-ah-che-ah, a daughter, and Ah-chuck-mah-he-ah, who died without issue; all of these being over ten years of age; Fe-la-kio-tubbee was a son under ten years. Wak-ah-tubbee died in 1833.

Wak-kah-tubbee was the head of a family in 1830, and scrip was issued in behalf of him and his children, who were

Ela-ho-to-mah and Ene-la-tonah, both daughters; his wife was named Mola. At that time he lived on the NW/4 of Sec. 10, T. 9 N., R. 13 E., Neshoba County, Mississippi.

Wak-e-o-tubbee was the head of a Choctaw family in 1830, and resided on Sec. 5, T. 4 N., R. 11 E., Jasper County, Mississippi. He died in 1839. His children were Ok-cha-tubbee, who died without issue, Ish-tan-tubbee, both over ten years of age, and Ulth-lo-tah, a daughter, under ten years of age. His wife was named Pa-la-mah.

There was a Wak-a-tubbee, a son of Ho-ti-ka, in behalf of whom scrip was issued, who was under ten years of age in 1830. The family resided on Sec. 7, T. 10 N., R. 10 E., Neshoba County.

Wak-a-tubbee was a son of Him-moka-tona and was over ten years of age. Scrip was issued in his behalf. The family resided on the SE/4 of Sec. 33, T. 11 N., R. 10 E., Neshoba County.

Wak-is-tubbee was a boy under ten years of age, a son of Hoc-too-nah, and they resided in Jasper County.

There was no beneficiary under the 14th article named Abaanintubbee as given by the Commission. There was an Abbe-neen-tubbee over ten years of age, a son of Im-ish-too-nah, who lived in the southern part of Newton County.

Abu-nin-tubbee was over ten years of age and a son of Hia-cut-chee, a resident of Newton County.

There was no person by the name of Alex who was a beneficiary

under the 14th article.

Scrip was issued on behalf of three persons of the name of Lewis. They were children, sons of Ah-chau-nan-tubbee, Ok-a-la-ancha-hubbee and Tan-a-be-nubbee.

There is nothing in the record in this case to indicate that the applicants are descended from any of those beneficiaries under the 14th article whose names have been given. I am therefore of opinion that the decisions of the Commission rejecting them should be approved, and I therefore recommend that such an order be issued as to Tom Tubbee and his five minor children, Mollie, William T., Pinkey, Andrew and Pearlle Tubbee; Simpson Tubbee and his two minor children, Ira and Edgar Tubbee; and Cornelia Tubbee and his two minor brothers, Jeff and Adolphus Tubbee.

Letter of the Commission of February 10, transmitting brief in behalf of the Choctaw and Chickasaw Nations in this case is also forwarded.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

BBH-WDW

D.C.19-375-1905  
I.T.D.5493,8111,8543,  
9095,10852-1904.  
2862-1905

G.R.  
LLB  
LRS

(Copy)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1905.

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

Gentlemen:

Relative to the consolidated applications of Tom Tubbee et al., M.C.R.5209 et al., for identification as Mississippi Choctaws, the record shows that all the applicants appeared before the Commission at its sitting at Philadelphia, Miss., in January and February, 1899, for identification as Mississippi Choctaws, and the name of the applicant Tom Tubbee appears opposite No.854 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, as also appears thereon the names of applicants Simpson Tubbee, opposite No. 1923, Lewis Tubbee, Amanda Tubbee, Cornelia Tubbee, Jeff Tubbee, John Tubbee, and Adolphus Tubbe, opposite Nos. 1884-1889, inclusive.

Applicants (although notified and living in the immediate vicinity) refused to appear before the Commission at its sitting at Toles, Miss., in April, 1902, on the ground that they had been advised by their attorneys that their further appearance at Toles, Miss., on the day cited was unnecessary, as they had

already been identified at Philadelphia, Miss., in 1899. Applicants, however, were represented by one Charles B. Tinsley, who testified in their behalf and who the Commission stated (see page 4 of record) "is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children whose names are set forth in this application." Similar statements were made by the Commission as to the other applicants. Lewis Tubbee, one of the original applicants having died, Manda Tubbee, his wife, appeared before the Commission at Muskogee, Ind. Ter., on March 23, 1903, for the identification of herself and her three children, namely, Cornelia, Jeff, and Adolphus Tubbee, as Mississippi Choctaws. As to the personal appearance of last-named applicants the Commission stated that "two of these children for whom application is made are before the Commission and have the appearance of possessing fully as much Choctaw blood as is claimed for them; the boy, Jeff, would easily pass for a full-blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw."

The evidence shows that the last-named applicants recently removed from near Toles, Miss., to Ardmore, Ind. Ter., and it appears that John Tubbee, the son of Amanda Tubbee, had preceded her removal (pages 10 and 11), and it may be that two of Tom Tubbee's uncles removed to the Indian Territory "between the years 1833 and 1838" (page 3).

The principal applicant, Tom Tubbee, is now living at Kiowa, Ind. Ter., and from his newly acquired residence filed a motion for a rehearing in his case on April 30, 1904, and on account of the incompleteness of the record a rehearing was directed to be granted (see departmental letter of October 27, 1904, I.T.D. 10854-1904).

On December 17, 1904, the Commission of its own motion granted applicants 20 days additional time within which "to introduce such witnesses as they may desire to present in support of the application of Tom Tubbee, et al., for identification as Mississippi Choctaws," and in pursuance of such order the taking of the testimony of Joe Jimmerson, a witness not mentioned in the motion for a rehearing, is not deemed error, but the refusal of the Commission to continue the hearing of the case even for one day as requested by attorney for applicants to secure the attendance Scott Bell as a witness before the Commission, is deemed error, as it appears that Scott Bell was at the time in attendance on the court at Atoka, Ind. Ter., presumably as a witness or as a party to a suit pending therein, and if so, his absence was excusable.

The Commission in its decision dated March 15, 1904, denied the applications of applicants on the ground that it did not appear that either Lewis or Sockey, ancestors through whom applicants claimed, were in anywise beneficiaries under the provisions of article fourteen of the treaty of 1830, or under sub-



sequent enactments relative thereto.

Applicants now trace their descent to an ancestor named Wakatubbee, alias Abaanintubbee, alias Alex Wakatubbee, who it is claimed was living in 1830 as the Choctaw head of a family in Mississippi close to Owl Creek, about 12 miles from Philadelphia, the county seat of Leshoba County, Mississippi.

Inasmuch as the records of the Indian Office show that several persons named Waka Tubbee, or persons bearing similar names, were beneficiaries under the provisions of article fourteen of the treaty of 1830 or acts passed in pursuance thereof, and were living in 1830 on certain lands in Leshoba County, Mississippi, it is essential that in the light possible that can be thrown upon the identity of applicant's ancestor should be secured.

You are directed to notify applicants that they will be permitted to introduce, at a time fixed by you, the testimony of Scott Bell and John Willis, and commissions should also issue in proper form for the taking of the depositions of "John Marshall, who lives up near Seale in Leshoba Co., Miss., and Elan Bell, who lives near Coffadelia, Miss.," witness shown on page 4 of the record, most likely to know more about the matter than any other known witness.

The case is remanded for a fuller investigation as to the ancestry of applicants as herein indicated, and in view of the records of the Indian Office as shown by letter herewith.

Respectfully,  
(signed) Thos. Ryan,  
Acting Secretary.

Com'r No. 45158  
I.T.D. 10852-1904  
7156-1905

G.R.  
LLB  
IRS

DEPARTMENT OF THE INTERIOR,  
Washington.

September 23, 1905

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

Sir:

There is returned to you the remanded record in the consolidated cases of Tom Tubbee et al., applicants for identification as Mississippi Choctaws, for further investigation in accordance with instructions contained in departmental letter dated April 11, 1905 (I.T.D. 5493, 8111, 8543, 9095, 10852-1904, 2862-1905).

It appears from your report that in accordance with departmental letter of above date, April 11, 1905, you notified applicants and their attorneys that on a certain day they would be permitted to introduce additional evidence in support of said claim, but no copies of any such notices are inserted in the record, and you state at the close of your letter that you "received information of the death of Townsend H. Foster, attorney of record in the case of Tom Tubbee, et al., some ten days ago."

The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional

--2--

evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbee at Kiowa, Ind. T.; Simpson Tubbee, care of Charles B. Tinsley, at Toles, Miss.; Cornelia Tubbee at Durwood, Ind. T., and J. J. Ralls, Esq. at Atoka, Ind. T., as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905.

As the names of applicants in this case appear on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, and as applicants have removed from near Toles, Miss., their former home, to the Indian Territory, since the first hearing had for their enrollment, it is proper that the record should show that they were given every opportunity to present their claim upon the merits, as the case appears to be a meritorious one.

Respectfully,

THOS. RYAN,

Acting Secretary.

Through the  
Commissioner of Indian Affairs.

3 inclosures.

M C R 5210

Muskogee, Indian Territory, April 20, 1905.

Simpson Tubbee,  
c/o Chas. B. Tinsley,  
Tules, Mississippi.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the Mississippi Choctaw case of Tom Tubbee, et al. and other cases consolidated therewith.

Respectfully,

Chairman.

Registered.

M C R 5210

COPY.

Muskogee, Indian Territory, February 10th, 1906.

Simpson Tubbee,

In care of Charles B. Tinsley,  
Tales, Mississippi.

Dear Sir:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Court House at Dallas, Kemper County, Mississippi, on Friday, March 23, 1906, at ten o'clock A. M., for the purpose of presenting your testimony and the testimony of such witnesses as you have, in reference to the right to identification of yourself and minor children as Mississippi Choctaws.

For your information there is enclosed herewith copy of Departmental letter of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905, and copy of Departmental letter of September 23, 1905, in reference to the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

Respectfully,

Wm. C. Scall.  
Acting Commissioner.

Registered.

McX 10/5

COPY.

Muskogee, Indian Territory, June 6, 1906.

The Honorable

The Secretary of the Interior.

Sir:

April 22, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the consolidated Mississippi Choctaw case of Tom Tubbee et al., embracing the applications of:

Tom Tubbee et al., M. C. R. 5209  
Simpson Tubbee, et al., M.C.R. 5210  
Cornelia Tubbee, et al., M.C.R. 5211,

with the decision of the Commission of March 15, 1904, denying the applicants.

October 27, 1904, the Department, in accordance with the recommendation of the Acting Commissioner of Indian Affairs of October 22, 1904, returned the record in said case to the Commission to the Five Civilized Tribes and directed a rehearing thereof.

November 18, 1904, the Commission notified the principal applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations that it would at its office at Muskogee, Indian Territory, within thirty days from said date hear such additional testimony as might be submitted in support

of the applicant's right to identification as Mississippi Choctaws.

Further proceedings were had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, January 6, 1905, in conformity with Departmental instructions of October 27, 1904, and on January 20, 1905, the original record, together with the additional proceedings, was returned to the Department.

April 11, 1905, the Department again remanded the case for a full investigation as to the ancestry of the applicants and directed the Commission to notify the applicants that they would be permitted to introduce at a time to be fixed, the testimony of Scott Bell and John Willis; the Commission was also instructed to issue commissions in proper form for the taking of the depositions of John Marshall and Elan Bell, residents of the State of Mississippi.

April 20, 1905, the principal applicants, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified that they would be permitted to introduce at the General Office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock a.m. the testimony of Scott Bell and John Willis, in support of the applicant's right to identification as Mississippi Choctaws. Townsend N. Foster, one of the attorneys for the applicants, was also notified that if he saw fit, he might on May 3, 1905, submit a motion for the issuance of commissions to take the depositions of John Mar-

shall and Elan Bell, witnesses in the case.

No response to this notice was received from the applicants or their attorneys and no additional testimony or evidence having been offered, all the papers transmitted with Departmental letter of April 11, 1905, were on May 29, 1905, returned to the Department.

The Department was also notified of the death of Townsend N. Foster, the attorney of record in the case of Tom Tubbee, et al.

September 23, 1905, the Department again remanded the case, with instructions that the Commissioner to the Five Civilized Tribes notify the applicant, Tom Tubbee, at Kiowa, Indian Territory, Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, Gernelia Tubbee, Durwood, Indian Territory, J. G. Ralls, Atoka, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, that at a time to be fixed by the Commissioner they would be allowed to introduce such evidence as was indicated in Departmental letter of April 11, 1905.

February 7, 1906, the Commissioner secured the testimony of Riley Willis as to the death of the witnesses John Willis and Scott Bell, from which it appears that Scott Bell died March, 1905, and that John Willis died April 23, 1905.

February 10, 1906, the Commissioner by registered



letter notified Tom Tubbee, Kiowa, Indian Territory, to appear at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of such witnesses as he might have with reference to the right of himself and children to be identified as Mississippi Choctaws.

On the same date the Commissioner by registered letter notified Cornelia Window, nee Tubbee, care of G. W. Window, Ardmore, Indian Territory, to appear at the Chickasaw Land Office, Ardmore, Indian Territory, Friday, March 16, 1906, at three o'clock p. m., for the purpose of presenting her testimony and the testimony of witnesses.

The Commissioner also notified Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, to appear at the Court House at DeKalb, Kemper County, Mississippi, Friday March 23, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of witnesses with reference to the right of himself and minor children to identification as Mississippi Choctaws.

Elan Bell, Coffadelia, Neshoba County, Mississippi, was also notified that the Commissioner would be at the Court house at Philadelphia, Neshoba County, Mississippi, on Wednesday March 28, 1906, at ten o'clock a. m., and he was requested to be present at said time and place for the purpose of submitting his testimony with reference to the ancestry of the applicants, Tom Tubbee,

Simpson Tubbee and Cornelia Tubbee.

Similar notice was also forwarded to John Marshall, Seale, Weshoba County, Mississippi.

J. G. Ralls, Attorney at Law, Atoka, Indian Territory, and Mansfield, McMurray and Cornish, South McAlester, Indian Territory, Attorneys for the Choctaw and Chickasaw Nations, were notified of the dates set for hearing of testimony in the case as above mentioned.

In accordance with said notices a hearing was had at South McAlester, Indian Territory, March 15, 1906, at which time the applicant, Tom Tubbee, appeared as a witness. He was not represented by attorney. G. Rosenwinkel, representing Mansfield, McMurray & Cornish, appeared on behalf of the Choctaw and Chickasaw Nations.

A hearing was also had at Ardmore, Indian Territory, March 16, 1906, at which time the testimony of the applicant, Cornelia Tubbee (now Window) and Dibbin Harris was secured; Robert E. Lee representing the applicants as attorney. No appearance was entered on behalf of the Choctaw and Chickasaw Nations.

A further hearing was had at DeKalb, Mississippi, March 23, 1906, at which time the testimony of the applicant, Simpson Tubbee, was taken. The applicant was not represented by attorney and no appearance was entered on behalf of the Choctaw and

Chickasaw Nations.

March 27, 1906, a representative of the Commissioner visited the home of B. F. Stuart, about eleven miles east of the town of Philadelphia, Mississippi, and took the testimony of the said Stuart relative to the rights of the applicants to identification as Mississippi Choctaws.

On the same date a representative of the Commissioner visited the home of Elan Bell, about fifteen miles northeast of the town of Philadelphia, Mississippi, and procured from him a statement relative to the applicant's rights to identification as Mississippi Choctaws, though as is shown from the affidavit contained in the record said statement was not made under oath.

The testimony of John Marshall was also taken at his home sixteen miles northeast of Philadelphia, Mississippi.

I have the honor to return the original record in the case, together with the additional proceedings had at the times and places above mentioned.

The applicants do not claim to be full-blood Choctaw-Indians, their mother being of mixed blood, and originally claimed the right to identification as Mississippi Choctaws by reason of being the descendants of Lewis and Heekey, both of whom were alleged to have been full-blood Choctaw Indians.

Tom Tubbee testified at Muskogee, Indian Territory, January 6, 1906, that the name of his grandfather was Wakatubbee (or Abaanintubbee); and that it was his understanding that his grandfather complied with the treaty of 1830.

The Indian Office in its letter of March 20, 1906, (Land 28209-1904; 76115-1904; 6658-1905, 12830-1905) gives the names of persons who were residents of Neshoba County, Mississippi, and who were beneficiaries under the Fourteenth Article of the Treaty of 1830, who possessed names similar to those of the ancestors of the applicants, but there is nothing in the record as now presented which would in any manner identify any of the alleged ancestors of the applicants with the persons bearing similar names, and to whom script was issued.

Tom Tubbee testified March 15, 1906, that Wakatubbee (or Alex Wakatubbee), his grandfather, came to the Indian Territory about the time of the treaty of 1830, and that he does not know what became of him; that his grandfather had a brother whose name was also Wakatubbee (or Alex Wakatubbee), who raised applicant's father, Lewis Tubbee; and that when he, Tom Tubbee, previously testified that Wakatubbee had lands in Mississippi he meant his father's uncle and not his father's father.

The material part of the testimony of Cornelia Tubbee, (now Windom) taken at Ardmore, March 16, 1906, is to the same effect as that of Tom Tubbee.

It appears from the testimony of Dibbin Marris of March 16, 1906, that Lewis Tubbee, sometimes called Kanitubbee, the father of the principal applicants, would have been about sixty-five years old at present were he living. He was, therefore, born subsequent to the Treaty of 1830. This witness states that he was raised with Lewis Tubbee; that Lewis Tubbee was raised by his uncle in Mississippi; that Lewis Tubbee had some land in Mississippi, but he does not know where he got it; that Lewis' uncle also had land in Mississippi; that he heard that Lewis Tubbee's father, Wakatubbee, died in Mississippi, and that a certain grave was pointed out to him as the grave of Lewis Tubbee's father.

The material part of the testimony of Simpson Tubbee, of March 25, 1906, is to the same effect as that of Tom Tubbee and Cornelia Tubbee (now Windom), except as to Wakatubbee's coming to the Territory. This applicant does not think that his grandfather ever went to the Indian Territory.

The witness E. P. Stuart, whose testimony was taken at his home in Mississippi on March 27, 1906, states that Lewis Tubbee was raised by Alex Tubbee and he understood that said Alex Tubbee was Lewis Tubbee's father; that Alex Tubbee lived on the SE/4 of the SE/4 of Sec. 24, Tp. 12, Range 13 in Neshoba County. It is the understanding of this witness that Alex Tubbee received this land from the Government.

Elan Bell states that he thinks Lewis Tubbee was not the son of Alex Tubbee; also that Alex Tubbee never had any land in Mississippi. He does not know who the father of Lewis Tubbee was and never heard of Wakatubbee.

The testimony of the witness, John Marshall, adds nothing to the testimony above referred to.

From the record as now presented it is doubtful whether the Alex Tubbee (or Wakatubee) who raised Lewis Tubbee and who lived on certain land in the State of Mississippi subsequent to the Treaty of 1830 is the ancestor of the principal applicants. It is immaterial, however, which of the two Wakatubbees was the ancestor of the applicants, for there is nothing in the testimony referred to which would in any way show that any of the ancestors of the applicants complied with Article Fourteen of the Treaty of 1830, or identify any of them with the persons bearing similar names who are shown by the records of the Indian Office to have been beneficiaries under said Article. Even if it be granted that Alex Wakatubbee, who raised Lewis Tubbee, was the ancestor of the applicants, and that he lived on the SE/4 of the SE/4 of Sec. 24, Tp. 12, Range 18, in Washoba County, Mississippi, subsequent to the Treaty of 1830, there is nothing in the record which shows that he received said land under Article Fourteen of the Treaty of 1830. The description of this land does not correspond with the land described in the Indian Office letter of March 20, 1906,

for which script was issued to persons bearing similar names to those of the applicant's ancestors.

I have the honor to therefore, recommend that the original decision of the Commission to the Five Civilized Tribes, of March 15, 1904, denying the right of the applicants to identification as Mississippi Choctaws be affirmed.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM-19-1.

MUR-5210

Muskogee, Indian Territory, February 21, 1907.

Simpson Tubbee,  
C/o Charles B. Tinsley,  
Tolan, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 13, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

Commissioner.



## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To **Simpson Tubbee**  
**Toles, Mississippi.**

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **DeKalb, Kemper County,** in ~~the~~ **XX Mississippi** ~~State.~~  
~~Indian Territory,~~ on the **23rd** day of **March** 1906, to testify before said Commissioner in the matter of the **consolidated Mississippi Choctaw**  
**case of Tom Tubbee, et al.**

Dated at **Muskogee, Ind. Ter.** this **20th** day of **February** 1906

W. O. Beall,  
 Acting Commissioner.

For Identification as a Mississippi Choctaw.

Toles Miss.

Date APR 10 1902

Name Simpson Tubbee  
Charles B. Tinney  
Age 32 Blood 1/2

Post Office, Toles, Miss.

Father: Lewis Tubbee d

Mother: Manda " L

Claims through  
wife Mattie Tubbee (white) L

and 2 children

Children:

Ira Tubbee 4

Edgar " 3

Miss. Choctaw, U.S. D-65

and 538.

Stenographer

J. A. Niles

Choctaw MCR 5211

Cornelia Tubbee

See MCR 528, 5209

MCR 5211

5211

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Cornelia Tubbee for the identification of herself and two minor brothers, Jeff and Adolphus, as Mississippi Choctaws, represented by Charles B. Tinsley.

Said Charles B. Tinsley, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Charles B. Tinsley.
- Q How old are you? A I will be seventy years old in September.
- Q What's your postoffice address? A Toles.
- Q Kemper County, Mississippi? A Yes.
- Q How long have you lived in Kemper County? A I've lived here about sixty-seven or sixty eight years.
- Q What's your occupation? A Farming.
- Q Are you acquainted with a woman by the name of Cornelia Tubbee?
- A Yes sir.
- Q How long have you known her? A I've known her about six or eight years.
- Q About how old is she? A About twenty.
- Q Is she married? A No sir.
- Q Has she ever been married? A No sir.
- Q How much Choctaw blood has she? A Her father was a full blood--she's a half breed.
- Q Does she live near you? A Yes sir, she helps me on my farm.
- Q What's her postoffice address? A Toles.
- Q Has she lived here in Mississippi all her life? A Yes sir.
- Q What was her father's name? A Lewis Tubbee.
- Q Is her mother living? A Yes sir.
- Q What's her name? A Amanda.
- Q She has no Choctaw blood? A None that I know of.
- Q Has Cornelia any minor brothers or sisters living? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages? A Jeff, seventeen--Adolphus, about twelve or fourteen.
- Q They live at home with their mother, do they? A Yes.
- Q Are they full brothers of Cornelia Tubbee? A Yes sir.
- Q Is Cornelia a full sister of Tom Tubbee about whom you have testified before the Commission this morning? A Yes sir.
- Q Are you interested in any way in the result of her application?
- A None whatever.
- Q Or the application in behalf of these two minor children? A No sir.
- Q Do you know whether any application of any kind has ever been made before today for these people? A No sir, but I think there was 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 Lewis Tubbee, his wife Amanda Tubbee and minor children, Cornelia, Jeff, John and Adolphus, as Mississippi Choctaws, their

Cornelia Tubbee et al--2

names appearing upon M.C.C. 628, also upon page 107 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 1884 to 1889 respectively and inclusive thereon.

- Q How long has Lewis Tubbee been dead? A Two years I reckon.  
Q Do you know where John Tubbee is living now? A He's in Indian Territory.  
Q Do you know how long he's been out there? A About three years.  
Q You never heard of any other application ever having been made for these people except the one at Philadelphia three years ago? A No sir, aint never been none.  
Q Have you talked to the mother of these minor children within the past few days about appearing before the Commission here? A Yes sir.  
Q What did she say? A She said she didn't want to go--she didn't want to give in no evidence.  
Q How far does she live from our camp? A About a mile.

Amanda Tubbee, the mother of the minor children for whom this application is made, lives within one mile of the camp of the Commission. She has been visited within the past few days by a representative of the Commission and urged to appear before us and has also been urged to do so by Mr. Charles B. Tinsley by whom she is employed. She positively refused to do so. From the testimony of Mr. Tinsley there can be no doubt that Cornelia Tubbee and her minor brothers Jeff and Adolphus are now living in Kemper County, Mississippi, and are possessed of one-half Choctaw blood.

- Q Do these Indians associate with the Choctaws entirely? A Yes sir.  
Q And they speak and understand that language? A yes sir.

Special reference is hereby made to the testimony of Mr. Charles B. Tinsley in the matter of the application of Tom Tubbee for identification as Mississippi Choctaws, heard at Toles, Mississippi, on this date.

-----

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 10th, 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 16th day of April, 1902,

Cornelia Tubbee et al--3

at Meridian, Mississippi.

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

By *J. M. H.*

Deputy.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T., March 23, 1903.

5211

Additional testimony

In the matter of the application for the identification of  
Cornelia, Jeff and Adolphus Tubbee, as Mississippi Choctaws.

J.G.Ralls, attorney for applicants:

Manda Tubbee being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Manda Tubbee.  
Q How old are you? A Fifty three.  
Q What is your post office address? A Ardmore.  
Q Are you the mother of Cornelia, Jeff and Adolphus Tubbee for whom  
application was made at Toles on April 10, 1900, by Charles E. Tinsley  
A Yes.  
Q The post office address at that time was Toles, Mississippi?  
A Yes.  
Q And now it is Ardmore? A Yes.  
Q What are the ages of these children? A Cornelia, 21; Jeff, 18;  
Adolphus, 12.  
Q When did they remove from Mississippi to the Territory? A About  
three months ago.  
Q Were these children born in Mississippi? A Yes.  
Q They lived there all their life until they moved to the Territory?  
A Yes.  
Q What is the name of the father of these children? A Lewis Tubbee.  
And he was also called Wah-ki-tubbee.  
Q That was his Indian name? A Yes.  
Q Is Lewis living? A He is dead.  
Q What is the name of the mother of these children? A Manda; that's  
me.  
Q Were you and Lewis Tubbee married? A We was.  
Q Who married you? A By white folks.  
Q Have you any evidence of your marriage with you? A Don't have it  
here but reckon its at county seat.  
Q Where were you married to him? A I can't say.  
Q Where were you married? A In Itala County, Mississippi.  
Q These children claim through their father? You claim no Choctaw  
blood yourself? A I reckon so; my uncle taught me.  
Q Have you any Choctaw blood? A I reckon I have; I could not swear  
to that- only know what my uncle told me; I can swear that he taught  
me.  
Q You said your father was half breed Cherokee. A Well, I thought  
Cherokee and Choctaw would be the same.  
Q Then your uncle, your mother's brother, taught you that you was  
half Cherokee and no Choctaw? A Yes.

- Q Then you don't claim to have any Choctaw blood; you claim half Cherokee? A Yes.
- Q Do you know the name of the father or mother of Lewis Tubbee? A His father was named Lewis.
- Q What was his mother's name? A Sooky.
- Q Do you know the Choctaw names of either of these persons? A No sir.
- Q Was your husband, Lewis, a full blood Choctaw? A Yes.
- Q His father and mother were full bloods? A Yes.
- Q And you claim these children are half Choctaw? A Yes sir.
- Q Was any application ever made to this Commission or to the tribal authorities of the Choctaw Nation for citizenship for these minor children for whom application is now made? A Yes.
- Q Do you know whether any of the Choctaw ancestors of these children ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830? A No.
- Q Do you know whether any of the Choctaw ancestors of these children went before the Indian agent in Mississippi, whose name was Col. Ward, directly after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Do you know whether any of the Choctaw ancestors of these children ever claimed or received land in Mississippi from the Government under the provisions of article 14 of the treaty of 1830? A No sir.
- Q Did you ever hear your deceased husband, Lewis Tubbee, ever say anything about his foreparents ever having got land in Mississippi? A He claimed a tract of land which belonged to his mother, Sooky.
- Q How old would Sooky Tubbee be if living? A About 65.
- Q Did he ever have any older brothers or sisters? A No sir, only one brother.
- Q Younger or older than him? A Younger.
- Q Do you know whether that land you say your husband claimed that his mother had was gotten under the provisions of article 14 of the treaty of 1830? A No sir, I don't.
- Q Know where that land was located? A Neshoba County, Mississippi.
- Q You don't know how his mother got that land? A No sir I don't know how they got it.
- Q Who owns that land now? A The last account Webb Hurd.
- Q How did he come in possession of it? A They had land there and worked it in Kemp County-- its in Neshoba.
- Q Do you know whether any of the Choctaw ancestors of these children ever received any scrip from the Government under the act of Congress approved August 23, 1842? A No sir.

That act of Congress provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been taken from him and sold by the Government he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Do you know whether any of the ancestors of these children received any such scrip? A No sir.
- Q Do these children speak and understand the Choctaw language? A They understand it some, but can't talk much.
- Q Are there any further statements you wish to make? A No.

Two of these children for whom application is made are before the Commission and have the appearance of possessing fully as



much Choctaw blood as is claimed for them; the boy Jeff would easily pass for a full blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw/.

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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 March 23, 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 <sup>July</sup> ~~June~~, 1903.

*Charles H. Sawyer*

Notary Public.

Ardmore, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to T. 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 TO SIGN:

*D. J. Ralls*

\_\_\_\_\_

\_\_\_\_\_

Muskogee, Indian Territory, May 6, 1903.

G. M. Campbell,

Ardmore, Indian Territory,

Dear Sir:

In compliance with a request from J. A. Edwards of May 5, 1903, you are hereby advised that it appears from our records that Cornelia, Jeff and Adolphus Tubbee, whose former post office was Toles, Mississippi, are applicants to the Commission for identification as Mississippi Choctaws, but their final right to such identification has not yet been determined.

It further appears that these persons are the children of Lewis Tubbee, deceased, who was a full blood Choctaw, and Manda Tubbee, a noncitizen, and it does not appear that application has been made to this Commission by or on behalf of the said Manda Tubbee.

On this date The Commission addressed a telegram to J. A. Edwards, Ardmore, Indian Territory, upon this subject, as follows.

"Replying your telegram May fifth, Cornelia, Jeff and Adolphus Tubbee are applicants for identification as Mississippi Choctaws. No decision rendered. Mother, Manda Tubbee, noncitizen. No application made for her."

Respectfully,

Chairman.

M C R 2200  
M C R 5211

Muskogee, Indian Territory, May 23, 1903.

G. W. Windom,  
Durwood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask if your two minor children are "on the roll." You further ask if Cornelia Tubby is "on the enrollment."

In reply you are informed that it appears from our records that you made application to this Commission for the identification of your two minor children, William Riley and Aslene Windom, as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to their right to such identification. As soon as a decision is rendered you will be duly notified thereof.

You are further advised that it appears from our records that on April 10, 1902, at Toles, Mississippi, Charles B. Tinsley made application to this Commission for the identification of Cornelia Tubbee, twenty years of age; also for her two minor brothers, Jeff Tubbee, seventeen years of age, and Adolphus Tubbee, twelve years of age, as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to the right of these applicants to such identification. As soon as a decision is rendered they will be notified of the action of the

G W V 2

Commission.

In your letter you state that Cornelia Tubby is now your lawful wife. If your wife is identical with the Cornelia Tubbee above mentioned, you are requested to inform the Commission of this fact, giving the time and place of your marriage.

Respectfully,

Chairman.

M C R 2200  
M C R 8211

Muskogee, Indian Territory, September 4, 1903.

G. W. Windom,

Durwood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask to be advised the status of the Mississippi Choctaw applications of your two children, William Riley and Aslene Windom, and Cornelia Tubbee, whom you state is now your lawful wife.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of your two minor children, William Riley and Aslene Windom as Mississippi Choctaws. Also that Chas. B. Tinsley made application for the identification of Cornelia Tubbee and her two minor brothers, Jeff and Adolphus Tubbee, as Mississippi Choctaws.

The Commission has not yet rendered any decision relative to the rights of the above mentioned applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Chairman.

M C R 5211

Muskogee, Indian Territory, September 26, 1903.

Jeff Tubby,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that you are an applicant for identification as a Mississippi Choctaw, but up to the present time no decision has been rendered relative to your right to such identification. As soon as a decision is rendered you will be duly notified thereof.

Respectfully,

Chairman.

M C R 2201  
M C R 2200  
M C R 5211

Muskegee, Indian Territory, November 12, 1903.

George Windom,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, by reference from the Secretary of the Interior. Therein you ask to be advised the status of the following named applicants for identification as Mississippi Choctaws:

|                       |                |
|-----------------------|----------------|
| William Riley Windom, | Aslene Windom, |
| Cornelia Tubbee,      | Usan Stout.    |

In reply you are informed that all of the above named persons are applicants to this Commission for identification as Mississippi Choctaws, but up to the present time no decisions have been rendered relative to their rights to such identification. As soon as decisions are rendered, the applicants will be duly notified thereof.

Respectfully,

Chairman.



MCR 5211

Muskogee, Indian Territory, February 12, 1904.

G. W. Windom,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you ask to be advised the status of the Mississippi Choctaw application made by you for the identification of your two minor children, William Riley Windom and Aslene Windom; also of the application made by Chas. B. Tinsley for the identification as Mississippi Choctaws of Cornelia Tubbee, et al.

In reply you are advised that up to the present time no decisions have been rendered relative to the rights of the above named applicants to be identified as Mississippi Choctaws, but when a decision is rendered relative to the rights of your children you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M C R 5209  
M C R 5210  
M C R 5211

Copy

Muskogee, Indian Territory, April 6, 1904.

Charles B. Tinsley,  
Tales, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including Tom Tubbee, Mollie Tubbee, William T. Tubbee, Pinky Tubbee, Andrew Tubbee, Pearlle Tubbee, Simpson Tubbee, Ira Tubbee, Edgar Tubbee, Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of 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)

*I. D. [Signature]*  
Commissioner in Charge.

Registered.

M C R 5211

COPY.

Muskogee, Indian Territory, April 6, 1904.

C. W. Campbell,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubbee, et al., including Cornelia Tubbee, Jeff Tubbee and Adolphus Tubbee.

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

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R.5211  
M.C.R.2200

Muskogee, Indian Territory, April 12, 1904.

G. W. Windom,  
Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, 1904, in which you ask to be advised the status of the application made by you for the identification of yourself and your two minor children, William Riley Windom and Aslene Windom, as Mississippi Choctaws, also the application of Cornelia Tubby, whom you state is now your wife. You further ask if you would be allowed time to introduce additional testimony in support of these applications.

In reply to your letter you are informed that up to the present time no opinion or decision has been reached relative to the rights of yourself and your two minor children, William Riley and Aslene Windom to be identified as Mississippi Choctaws. When a decision is rendered you will be duly notified. If you desire to offer any further testimony in support of this application, the same will be heard at the office of the Commission, at Muskogee, Indian Territory.

G. W. W., 2.

Relative to the Mississippi Choctaw application of Cornelia Tubby, you are advised that it appears from our records that on March 15, 1904, the Commission rendered a decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Tubboe, et al., including Cornelia Tubboe and her two minor children, Jeff and Adolphus Tubboe. The several applicants were, on April 6, 1904, notified of such action of the Commission and were also notified that they would be allowed fifteen days from the date of said notice in which to file arguments in this case and that at the expiration of that time, the papers in the case, together with such arguments as might be filed, would be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

The fifteen days' time allowed applicants in Mississippi Choctaw cases in which to file argument in support of their claims is granted under specific Departmental instructions and cannot be extended.

Respectfully,

Commissioner in Charge.

L.C.R.5211

Muskogee, Indian Territory, June 9, 1904.

Jeff Tubbee,

Glenn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 18, 1904, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on April 10, 1902, Cornelia Tubbee made application to this Commission for the identification of herself and her two minor brothers, Jeff and Adolphus Tubbee, as Mississippi Choctaws. On March 15, 1904, the Commission rendered a decision refusing said application, and on April 22, 1904, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any Departmental action therein. However, when the decision of the Secretary of the Interior is made known to the Commission, you will be promptly notified thereof.

Respectfully,

Chairman.

M C R 2200  
M C R 5211

Muskogee, Indian Territory, September 9, 1904.

G. W. Windom,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask to be advised the status of the Mississippi Choctaw applications of Cornelia Tubbee, William Riley Windom and Aslene Windom.

In reply to your letter you are informed that on April 22, 1904, the record in the Mississippi Choctaw case of Cornelia Tubbee, et al., together with the decision of the Commission refusing such application, was forwarded to the Secretary of the Interior and up to the present time this office has not been advised of any departmental action thereon.

The applications of William Riley and Aslene Windom are now receiving the consideration of the Commission and it is probable that their rights will be adjudicated in the near future. They will be promptly notified when action is taken in their case.

Respectfully,

Chairman.

M C R 5211

Muskogee, Indian Territory, October 17, 1904.

R. E. Lee,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask if affidavits will be received by this office in support of the Mississippi Choctaw application of Jeff Tubbee.

In reply you are informed that on April 22, 1904, the record in the matter of the application made by Cornelia Tubbee for the identification of herself and minor children, Jeff and Adolphus Tubbee, as Mississippi Choctaws, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior, and pending action thereon by him the Commission is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.



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 5211

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 18, 1904.

Cornelia Tubbee,  
Durwood, Indian Territory.

Dear Madam:

In accordance with departmental instructions of October 27, 1904, received at this office on the 17th instant, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date hereof, hear such additional testimony as you may desire to submit in support of the application for the identification of yourself and two brothers, Jeff and Adolphus Tubbee, as Mississippi Choctaws.

The Commission must be furnished with proper proof of service of notice upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, of the time and place such testimony is intended to be offered, before the same can be heard.

Respectfully,

Registered.

Chairman.

Land  
28209-1904  
76115-1904  
6658-1905  
12830-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 20, 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 January 20, referring to the fact that on October 27, 1904, the Department with its letter of that date, "I.T.D.10852-1904," in accordance with the recommendation of this office, remanded for a rehearing the record in the matter of the consolidated application for the identification of Tom Tubbee, et al., embracing the following applications for identification as Mississippi Choctaws: Tom Tubbee, et al; Simpson Tubbee, et al; and Cornelia Tubbee, et al.

On November 18, 1904, the Commission advised the applicants, Tom Tubbee at Kiowa, Indian Territory; Simpson Tubbee at Toles, Mississippi; and Cornelia Tubbee at Durwood, Indian Territory; their attorneys of record, T. E. Foster at South McAlester; J. G. Ralls at Atoka, and Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, that the Commission would, at its office at Muskogee at any time within thirty days from the date of such notice, hear the testimony of such witnesses as might be

present in support of the consolidated Mississippi Choctaw case of Tom Tubbee, et al., the applicants and their attorneys being notified that they would first be required to furnish proper proof of service of notice of the taking of such testimony upon Messrs. Mansfield, McMurray & Cornish.

On December 17, 1904, the principal applicant, Tom Tubbee, personally appeared before the Commission at its office at Muskogee, but was not at that time accompanied by either of his attorneys, Townsend N. Foster or J. G. Halls. Neither were the Choctaw and Chickasaw Nations represented by their attorneys, and as the applicant, Tom Tubbee, seemed to be ignorant of his purpose in appearing before the Commission at that time, a further hearing in the case was, upon the motion of the Commission, continued for twenty days.

On January 6, 1905, the principal applicant, Tom Tubbee, again appeared before the Commission, being represented by his attorney, Townsend N. Foster; the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employee of Messrs. Mansfield, McMurray & Cornish. The testimony of the principal applicant, Tom Tubbee, was heard, and there is also incorporated therein a copy of his testimony before the Commission to the Five Civilized Tribes at Philadelphia, Washoba County, Mississippi, on Thursday, February 2, 1899.

Tom Tubbee also introduced as a witness in his behalf Joe Jimmerson, to the taking of whose testimony objection was entered by the attorney for the Choctaw and Chickasaw Nations

for the reason that he was not named in the motion for rehearing in this case filed with the Department as one of the witnesses who would testify. Neither of the witnesses named in the motion for rehearing, John Willis and Scott Bell, ever appeared before the Commission for the purpose of testifying in this case.

At the conclusion of the proceedings had on January 6, 1905, Townsend L. Foster, the attorney for the applicants, requested a further continuance in this case for the purpose of securing the testimony of Scott Bell, to which action attorneys for the Choctaw and Chickasaw Nations objected. Their objection was sustained by the Commission, and the case closed.

There is transmitted, therefore, for the consideration of the Department, the original record in the matter of the application of Tom Tubbee, et al., for the identification as Mississippi Choctaws, together with the additional proceedings had at the office of the Commission at Muskogee on January 6, 1905, in conformity with Departmental instructions of October 27, 1904.

The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wakatubbee, otherwise known as Alex Wakatubbee and Abaanintubbee, through his son, Lewis Tubbee, it being alleged that Wakatubbee or Abaanintubbee was a full-blood Choctaw, and a resident of the Choctaw Nation in Mississippi in 1830; also that he owned land in Mississippi upon which he resided throughout his life, he having died at some time subsequent to the civil war.

Tom Tubbee, who was a witness in his own behalf and for the others claiming this case, is an Indian; talks the Choctaw language and talks the English language with an accent. His grandfather lived in Neshoba County throughout his life, as did Lewis Tubbee, his son, and Tom Tubbee has spent most of his life in that County.

There was no Choctaw of the name of Wakatubbee who received land in Mississippi under the 14th article of the Choctaw Treaty. There were a number of persons who were applicants for benefits under the 14th article in behalf of whom scrip was issued, whose names approximate the name as given by the witnesses in the record in this case. According to the testimony of Tom Tubbee, his grandfather would now be one hundred years of age or more, and was necessarily then a man of twenty-five years in 1830, at such an age as Choctaws were usually heads of families.

There was a Wak-ah-tubbee who resided on the NE/4 of Sec. 36, T. 11 N., R. 11 E., Newton County, Mississippi, in behalf of whom scrip was issued, whose children were Abbe-ho-chi-ah and Ah-pi-sah, who died without issue, Ah-ho-nah, a daughter, Ok-ah-cho-ah, a daughter, and Ah-chuck-mah-he-ah, who died without issue; all of these being over ten years of age; Fe-la-kio-tubbee was a son under ten years. Wak-ah-tubbee died in 1833.

Wak-kah-tubbee was the head of a family in 1830, and scrip was issued in behalf of him and his children, who were

Ela-ho-te-mah and Sme-la-tonah, both daughters; his wife was named Nola. At that time he lived on the NW/4 of Sec. 10, T. 9 N., R. 13 E., Neshoba County, Mississippi.

Wak-e-o-tubbee was the head of a Choctaw family in 1830, and resided on Sec. 5, T. 4 N., R. 11 E., Jasper County, Mississippi. He died in 1839. His children were Ok-cha-tubbee, who died without issue, Ish-tan-tubbee, both over ten years of age, and Ulth-lo-tah, a daughter, under ten years of age. His wife was named Pa-la-mah.

There was a Wak-a-tubbee, a son of Ho-ti-ka, in behalf of whom scrip was issued, who was under ten years of age in 1830. The family resided on Sec. 7, T. 10 N., R. 10 E., Neshoba County.

Wak-a-tubbee was a son of Hin-moka-tona and was over ten years of age. Scrip was issued in his behalf. The family resided on the SE/4 of Sec. 33, T. 11 N., R. 10 E., Neshoba County.

Wak-is-tubbee was a boy under ten years of age, a son of Hoc-too-nah, and they resided in Jasper County.

There was no beneficiary under the 14th article named Abaanintubbee as given by the Commission. There was an Abbe-neen-tubbee over ten years of age, a son of Im-ish-too-nah, who lived in the southern part of Newton County.

Abe-nin-tubbee was over ten years of age and a son of Hia-out-chee, a resident of Newton County.

There was no person by the name of Alex who was a beneficiary

under the 14th article.

Scrip was issued on behalf of three persons of the name of Lewis. They were children, sons of Ah-chau-nan-tubbee, Ok-a-la-ancha-hubbee and Tan-a-bo-nubbee.

There is nothing in the record in this case to indicate that the applicants are descended from any of these beneficiaries under the 14th article whose names have been given. I am therefore of opinion that the decisions of the Commission rejecting them should be approved, and I therefore recommend that such an order be issued as to Tom Tubbee and his five minor children, Mollie, William T., Linkoy, Andrew and Pearlie Tubbee; Simpson Tubbee and his two minor children, Ira and Edgar Tubbee; and Cornelia Tubbee and his two minor brothers, Jeff and Adolphus Tubbee.

Letter of the Commission of February 10, transmitting brief in behalf of the Choctaw and Chickasaw Nations in this case is also forwarded.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

BBH-WDW

Com'r No. 45158  
I.T.D.10852-1904  
7156-1905

G.R.  
LBB  
LRS

DEPARTMENT OF THE INTERIOR,  
Washington.

September 23, 1905

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

Sir:

There is returned to you the remanded record in the consolidated cases of Tom Tubbee et al., applicants for identification as Mississippi Choctaws, for further investigation in accordance with instructions contained in departmental letter dated April 11, 1905 (I.T.D.5493, 8111, 8543, 9095, 10852-1904, 2862-1905).

It appears from your report that in accordance with departmental letter of above date, April 11, 1905, you notified applicants and their attorneys that on a certain day they would be permitted to introduce additional evidence in support of said claim, but no copies of any such notices are inserted in the record, and you state at the close of your letter that you "received information of the death of Townsend E. Foster, attorney of record in the case of Tom Tubbee, et al., some ten days ago."

The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional



--2--

evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbee at Kiowa, Ind. T.; Simpson Tubbee, care of Charles B. Tinsley, at Toles, Miss.; Cornelia Tubbee at Burwood, Ind. T., and J. J. Ralls, Esq. at Atofa, Ind. T.; as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905.

As the names of applicants in this case appear on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, and as applicants have removed from near Toles, Miss., their former home, to the Indian Territory, since the first hearing had for their enrollment, it is proper that the record should show that they were given every opportunity to present their claim upon the merits, as the case appears to be a meritorious one.

Respectfully,

THOS. RYAN,

Acting Secretary.

Through the  
Commissioner of Indian Affairs.

3 inclosures.

D.C.19-375-1905  
I.T.D.5493,8111,8543,  
9095,10852-1904.  
2862-1905

G.R.  
LLB  
LRS

(Copy)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Relative to the consolidated applications of Tom Tubbee et al., M.C.R.5209 et al., for identification as Mississippi Choctaws, the record shows that all the applicants appeared before the Commission at its sitting at Philadelphia, Miss., in January and February, 1899, for identification as Mississippi Choctaws, and the name of the applicant Tom Tubbee appears opposite No.854 on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, as also appears thereon the names of applicants Simpson Tubbee, opposite No. 1923, Lewis Tubbee, Amanda Tubbee, Cornelia Tubbee, Jeff Tubbee, John Tubbee, and Adolphus Tubbe, opposite Nos. 1884-1889, inclusive.

Applicants (although notified and living in the immediate vicinity) refused to appear before the Commission at its sitting at Toles, Miss., in April, 1902, on the ground that they had been advised by their attorneys that their further appearance at Toles, Miss., on the day cited was unnecessary, as they had

already been identified at Philadelphia, Miss., in 1899. Applicants, however, were represented by one Charles B. Tinsley, who testified in their behalf and who the Commission stated (see page 4 of record) "is a thoroughly reliable and responsible white settler, there can be no doubt that Tom Tubbee is one-half Choctaw; that he has living with him five minor children whose names are set forth in this application." Similar statements were made by the Commission as to the other applicants. Lewis Tubbee, one of the original applicants having died, Manda Tubbee, his wife, appeared before the Commission at Muskogee, Ind. Ter., on March 23, 1903, for the identification of herself and her three children, namely, Cornelia, Jeff, and Adolphus Tubbee, as Mississippi Choctaws. As to the personal appearance of last-named applicants the Commission stated that "two of these children for whom application is made are before the Commission and have the appearance of possessing fully as much Choctaw blood as is claimed for them; the boy, Jeff, would easily pass for a full-blood; Cornelia, the daughter, is lighter complected but has the face and characteristics of a Choctaw."

The evidence shows that the last-named applicants recently removed from near Toles, Miss., to Ardmore, Ind. Ter., and it appears that John Tubbee, the son of Amanda Tubbee, had preceded her removal (pages 10 and 11), and it may be that two of Tom Tubbee's uncles removed to the Indian Territory "between the years 1833 and 1838" (page 3).

The principal applicant, Tom Tubbee, is now living at Kiowa, Ind. Ter., and from his newly acquired residence filed a motion for a rehearing in his case on April 30, 1904, and on account of the incompleteness of the record a rehearing was directed to be granted (see departmental letter of October 27, 1904, I.T.D. 10854-1904).

On December 17, 1904, the Commission of its own motion granted applicants 20 days additional time within which "to introduce such witnesses as they may desire to present in support of the application of Tom Tubbee, et al., for identification as Mississippi Choctaws," and in pursuance of such order the taking of the testimony of Joe Jimmerson, a witness not mentioned in the motion for a rehearing, is not deemed error, but the refusal of the Commission to continue the hearing of the case even for one day as requested by attorney for applicants to secure the attendance Scott Bell as a witness before the Commission, is deemed error, as it appears that Scott Bell was at the time in attendance on the court at Atoka, Ind. Ter., presumably as a witness or as a party to a suit pending therein, and if so, his absence was excusable.

The Commission in its decision dated March 15, 1904, denied the applications of applicants on the ground that it did not appear that either Lewis or Seekey, ancestors through whom applicants claimed, were in anywise beneficiaries under the provisions of article fourteen of the treaty of 1830, or under sub-

sequent enactments relative thereto.

Applicants now trace their descent to an ancestor named Wakatubbee, alias Abaanintubbee, alias Alex Wakatubbee, who it is claimed was living in 1830 as the Choctaw head of a family in Mississippi close to Owl Creek, about 12 miles from Philadelphia, the county seat of Keshoba County, Mississippi.

Inasmuch as the records of the Indian Office show that several persons named Waka Tubbee, or persons bearing similar names, were beneficiaries under the provisions of article fourteen of the treaty of 1830 or acts passed in pursuance thereof, and were living in 1830 on certain lands in Keshoba County, Mississippi, it is essential that all the light possible that can be thrown upon the identity of applicant's ancestor should be secured.

You are directed to notify applicants that they will be permitted to introduce, at a time fixed by you, the testimony of Scott Bell and John Willis, and commissions should also issue in proper form for the taking of the depositions of "John Marshall, who lives up near Seale in Keshoba Co., Miss., and Elen Bell, who lives near Coffadolia, Miss.," witness shown on page 4 of the record, most likely to know more about the matter than any other known witness.

The case is remanded for a fuller investigation as to the ancestry of applicants as herein indicated, and in view of the records of the Indian Office as shown by letter herewith.

respectfully,  
(signed) Thos. Ryan,  
Acting Secretary.

W.O.B.

COMMISSIONERS.  
TAMM HIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.  
  
WM. O. BRALL,  
Secretary.

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

|                                  |
|----------------------------------|
| REFER IN REPLY TO THE FOLLOWING: |
| M C R 5211                       |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 20, 1905.

Cornelia Tubbee,  
Durwood, Indian Territory.

Dear Madam:

You are hereby notified that in accordance with departmental instructions of April 11, 1905, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock A. M., permit the introduction of the testimony of Scott Bell and John Willis in support of the Mississippi Choctaw case of Tom Tubbee, et al. and other cases consolidated therewith.

Respectfully,



Chairman.

Registered.

Com'r No. 45156

(Copy)

G.R.  
LLB  
LRS

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 10882-1904  
7186-1905

September 25, 1905.

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

Sir:

There is returned to you the remanded record in the consolidated cases of Tom Tubbe et al., applicants for identification as Mississippi Choctaws, for further investigation in accordance with instructions contained in Departmental letter dated April 11, 1905 (I.T.D. 8493, 8111, 8543, 9098, 10882-1904, 2862-1905).

It appears from your report that in accordance with departmental letter of above date, April 11, 1905, you notified applicants and their attorneys that on a certain day they would be permitted to introduce additional evidence in support of said claim, but no copies of any such notices are inserted in the record, and you state at the close of your letter that you "received information of the death of Townsend L. Foster, attorney of record in the case of Tom Tubbe et al., some ten days ago."

The Department deems it advisable on account of the death of the attorney of record in the case and lack of proof in the record that applicants received the notice the Commission sent notifying them that they would be permitted to introduce additional evidence in support of their claim, to return said record to you with instructions to notify applicant Tom Tubbe at Kiowa, Ind. Ter.;

--2--

Simpson Tubbee, care of Charles B. Tinsley, at Toles, Miss.; Cornelia Tubbee at Durwood, Ind. T., and J. J. Kalls, Esq., at Atoka, Ind. T., as well as the attorneys for the Choctaw Nation, that at a certain time to be fixed by you, they will be allowed to introduce such evidence as indicated in departmental letter of April 11, 1905.

As the names of applicants in this case appear on the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior dated March 10, 1899, and as applicants have removed from near Toles, Miss., their former home, to the Indian Territory, since the first hearing had for their enrollment, it is proper that the record should show that they were given every opportunity to present their claim upon the merits, as the case appears to be a meritorious one.

Respectfully,

THOS. RYAN,

Acting Secretary.

Through the  
Commissioner of Indian Affairs.

3 inclosures.



M C R 5211

COPY!

Muskogee, Indian Territory, February 10th, 1906.

Cornelia Windom, nee Tubbee,

In care of G. W. Windom,

Ardmore, Indian Territory.

Dear Madam:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at three o'clock P. M., for the purpose of presenting your testimony and the testimony of such witnesses as you may have, in reference to the right to identification of yourself and brothers, Jeff and Adolphus Tubbee, as Mississippi Choctaws.

For your information there is enclosed herewith copy of Departmental letter of April 11, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of March 20, 1905, and copy of Departmental letter of September 23, 1905, in reference to the consolidated Mississippi Choctaw case of Tom Tubbee, et al.

Respectfully,

SR

*Wm. C. Beall.*

Acting Commissioner.

Registered.

McK 10/4

M C R 5211

Muskogee, Indian Territory, March 13, 1906.

Cornelia Windom, nee Tubbee,  
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, asking if you will be given another hearing in the matter of your application for identification as a Mississippi Choctaw if the evidence which you shall offer at Ardmore on the 16th instant is not sufficient.

You also request to be furnished with a copy of the testimony of Tom Tubbee given in the matter of his application for identification as a Mississippi Choctaw in the year 1899, at Philadelphia, Mississippi, and a copy of the testimony given by Amanda Tubbee at Muskogee, Indian Territory, March 23, 1903.

In reply you are advised that this office cannot at this time advise you whether or not you will be permitted any further hearings in your case other than the one set for the 16th of this month at Ardmore. Rehearings in Mississippi Choctaw cases are only granted by the Secretary of the Interior.

A copy of the testimony of Manda Tubbee given before the Commission to the Five Civilized Tribes at Muskogee, Indian Terri-

Cornelia Windom 2

tory on March 23, 1903, and a memorandum of the testimony given by Tom Tubbee before said Commission in the year 1899, are herewith enclosed.

Respectfully,

Acting Commissioner.

McM 13/2

M C R 5211

Muskogee, Indian Territory, May 23, 1906.

G. W. Windom,

Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of May 11th, received at this office on the 21st instant, you are advised that the additional proceedings had at Ardmore, Indian Territory, March 16th, 1906, in the Mississippi Choctaw case of Tom Tubbee, et al., of which the application of Cornelia Windom, nee Tubbee, et al. is a part, will, at an early date, be transmitted to the Secretary of the Interior for consideration and action. When this office is advised of Departmental action on the case, the applicants will be notified thereof.

Respectfully,

Acting Commissioner.

COPY.

Muskogee, Indian Territory, June 6, 1906.

The Honorable

The Secretary of the Interior.

Sir:

April 22, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the consolidated Mississippi Choctaw case of Tom Tubbee et al., embracing the applications of:

Tom Tubbee et al., M. C. R. 5209  
Simpson Tubbee, et al., M.C.R. 5210  
Cornelia Tubbee, et al., M.C.R. 5211,

with the decision of the Commission of March 15, 1904, denying the applicants.

October 27, 1904, the Department, in accordance with the recommendation of the Acting Commissioner of Indian Affairs of October 22, 1904, returned the record in said case to the Commission to the Five Civilized Tribes and directed a rehearing thereof.

November 16, 1904, the Commission notified the principal applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations that it would at its office at Muskogee, Indian Territory, within thirty days from said date hear such additional testimony as might be submitted in support

of the applicant's right to identification as Mississippi Choctaws.

Further proceedings were had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, January 6, 1905, in conformity with Departmental instructions of October 27, 1904, and on January 20, 1905, the original record, together with the additional proceedings, was returned to the Department.

April 11, 1905, the Department again remanded the case for a full investigation as to the ancestry of the applicants and directed the Commission to notify the applicants that they would be permitted to introduce at a time to be fixed, the testimony of Scott Bell and John Willis; the Commission was also instructed to issue commissions in proper form for the taking of the depositions of John Marshall and Elan Bell, residents of the State of Mississippi.

April 20, 1905, the principal applicants, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified that they would be permitted to introduce at the General Office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at eleven o'clock a.m. the testimony of Scott Bell and John Willis, in support of the applicant's right to identification as Mississippi Choctaws. Townsend H. Foster, one of the attorneys for the applicants, was also notified that if he saw fit, he might on May 3, 1905, submit a motion for the issuance of commissions to take the depositions of John Mar-

shall and Elan Bell, witnesses in the case.

No response to this notice was received from the applicants or their attorneys and no additional testimony or evidence having been offered, all the papers transmitted with Departmental letter of April 11, 1905, were on May 29, 1905, returned to the Department.

The Department was also notified of the death of Townsend H. Foster, the attorney of record in the case of Tom Tubbee, et al.

September 23, 1905, the Department again remanded the case, with instructions that the Commissioner to the Five Civilized Tribes notify the applicant, Tom Tubbee, at Kiowa, Indian Territory, Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, Gernelia Tubbee, Durwood, Indian Territory, J. G. Ralls, Atoka, Indian Territory, and the attorneys for the Choctaw and Chickasaw Nations, that at a time to be fixed by the Commissioner they would be allowed to introduce such evidence as was indicated in Departmental letter of April 11, 1905.

February 7, 1906, the Commissioner secured the testimony of Riley Willis as to the death of the witnesses John Willis and Scott Bell, from which it appears that Scott Bell died March, 1905, and that John Willis died April 23, 1905.

February 10, 1906, the Commissioner by registered

letter notified Tom Tubbee, Kiowa, Indian Territory, to appear at the office of the United States Commissioner at South McAlester, Indian Territory, on Thursday, March 15, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of such witnesses as he might have with reference to the right of himself and children to be identified as Mississippi Choctaws.

On the same date the Commissioner by registered letter notified Cornelia Windom, nee Tubbee, care of G. W. Windom, Ardmore, Indian Territory, to appear at the Chickasaw Land Office, Ardmore, Indian Territory, Friday, March 16, 1906, at three o'clock p. m., for the purpose of presenting her testimony and the testimony of witnesses.

The Commissioner also notified Simpson Tubbee, care of Charles B. Tinsley, Toles, Mississippi, to appear at the Court House at DeKalb, Kemper County, Mississippi, Friday March 23, 1906, at ten o'clock a. m., for the purpose of presenting his testimony and the testimony of witnesses with reference to the right of himself and minor children to identification as Mississippi Choctaws.

Elan Bell, Coffadelia, Neshoba County, Mississippi, was also notified that the Commissioner would be at the Court house at Philadelphia, Neshoba County, Mississippi, on Wednesday March 28, 1906, at ten o'clock a. m., and he was requested to be present at said time and place for the purpose of submitting his testimony with reference to the ancestry of the applicants, Tom Tubbee,



Simpson Tubbee and Cornelia Tubbee.

Similar notice was also forwarded to John Marshall, Seale, Noahoba County, Mississippi.

J. G. Bells, Attorney at Law, Atoka, Indian Territory, and Mansfield, McMurray and Cornish, South McAlester, Indian Territory, Attorneys for the Choctaw and Chickasaw Nations, were notified of the dates set for hearing of testimony in the case as above mentioned.

In accordance with said notices a hearing was had at South McAlester, Indian Territory, March 15, 1906, at which time the applicant, Tom Tubbee, appeared as a witness. He was not represented by attorney. G. Rosenwinkel, representing Mansfield, McMurray & Cornish, appeared on behalf of the Choctaw and Chickasaw Nations.

A hearing was also had at Ardmore, Indian Territory, March 16, 1906, at which time the testimony of the applicant, Cornelia Tubbee (now Windom) and Dibbin Marris was secured; Robert E. Lee representing the applicants as attorney. No appearance was entered on behalf of the Choctaw and Chickasaw Nations.

A further hearing was had at DeKalb, Mississippi, March 23, 1906, at which time the testimony of the applicant, Simpson Tubbee, was taken. The applicant was not represented by attorney and no appearance was entered on behalf of the Choctaw and

Chickasaw Nations.

March 27, 1906, a representative of the Commissioner visited the home of B. F. Stuart, about eleven miles east of the town of Philadelphia, Mississippi, and took the testimony of the said Stuart relative to the rights of the applicants to identification as Mississippi Choctaws.

On the same date a representative of the Commissioner visited the home of Elan Bell, about fifteen miles northeast of the town of Philadelphia, Mississippi, and procured from him a statement relative to the applicant's rights to identification as Mississippi Choctaws, though as is shown from the affidavit contained in the record said statement was not made under oath.

The testimony of John Marshall was also taken at his home sixteen miles northeast of Philadelphia, Mississippi.

I have the honor to return the original record in the case, together with the additional proceedings had at the times and places above mentioned.

The applicants do not claim to be full-blood Choctaw-Indians, their mother being of mixed blood, and originally claimed the right to identification as Mississippi Choctaws by reason of being the descendants of Lewis and Sockey, both of whom were alleged to have been full-blood Choctaw Indians.

Tom Tubbee testified at Muskogee, Indian Territory, January 6, 1906, that the name of his grandfather was Wakatubbee (or Abasintubbee); and that it was his understanding that his grandfather complied with the treaty of 1830.

The Indian Office in its letter of March 20, 1906, (Land 28209-1904; 76115-1904; 6658-1906, 12830-1906) gives the names of persons who were residents of Weshoba County, Mississippi, and who were beneficiaries under the Fourteenth Article of the Treaty of 1830, who possessed names similar to those of the ancestors of the applicants, but there is nothing in the record as now presented which would in any manner identify any of the alleged ancestors of the applicants with the persons bearing similar names, and to whom scrip was issued.

Tom Tubbee testified March 15, 1906, that Wakatubbee (or Alex Wakatubbee), his grandfather, came to the Indian Territory about the time of the treaty of 1830, and that he does not know what became of him; that his grandfather had a brother whose name was also Wakatubbee (or Alex Wakatubbee), who raised applicant's father, Lewis Tubbee; and that when he, Tom Tubbee, previously testified that Wakatubbee had lands in Mississippi he meant his father's uncle and not his father's father.

The material part of the testimony of Cornelia Tubbee, (now Windom) taken at Ardmore, March 16, 1906, is to the same effect as that of Tom Tubbee.

It appears from the testimony of Dibbin Harris of March 16, 1906, that Lewis Tubbee, sometimes called Kanitubbee, the father of the principal applicants, would have been about sixty-five years old at present were he living. He was, therefore, born subsequent to the Treaty of 1830. This witness states that he was raised with Lewis Tubbee; that Lewis Tubbee was raised by his uncle in Mississippi; that Lewis Tubbee had some land in Mississippi, but he does not know where he got it; that Lewis' uncle also had land in Mississippi; that he heard that Lewis Tubbee's father, Wakatubee, died in Mississippi, and that a certain grave was pointed out to him as the grave of Lewis Tubbee's father.

The material part of the testimony of Simpson Tubbee, of March 25, 1906, is to the same effect as that of Tom Tubbee and Cornelia Tubbee (now Windom), except as to Wakatubee's coming to the Territory. This applicant does not think that his grandfather ever went to the Indian Territory.

The witness B. F. Stuart, whose testimony was taken at his home in Mississippi on March 27, 1906, states that Lewis Tubbee was raised by Alex Tubbee and he understood that said Alex Tubbee was Lewis Tubbee's father; that Alex Tubbee lived on the SE/4 of the SE/4 of Sec. 24, Tp. 12, Range 13 in Neshoba County. It is the understanding of this witness that Alex Tubbee received this land from the Government.

Elan Bell states that he thinks Lewis Tubbee was not the son of Alex Tubbee; also that Alex Tubbee never had any land in Mississippi. He does not know who the father of Lewis Tubbee was and never heard of Wakatubbee.

The testimony of the witness, John Marshall, adds nothing to the testimony above referred to.

From the record as now presented it is doubtful whether the Alex Tubbee (or Wakatubbee) who raised Lewis Tubbee and who lived on certain land in the State of Mississippi subsequent to the Treaty of 1830 is the ancestor of the principal applicants. It is immaterial, however, which of the two Wakatubbees was the ancestor of the applicants, for there is nothing in the testimony referred to which would in any way show that any of the ancestors of the applicants complied with Article Fourteen of the Treaty of 1830, or identify any of them with the persons bearing similar names who are shown by the records of the Indian Office to have been beneficiaries under said Article. Even if it be granted that Alex Wakatubbee, who raised Lewis Tubbee, was the ancestor of the applicants, and that he lived on the SE/4 of the SE/4 of Sec. 24, Tp. 12, Range 13, in Neshoba County, Mississippi, subsequent to the Treaty of 1830, there is nothing in the record which shows that he received said land under Article Fourteen of the Treaty of 1830. The description of this land does not correspond with the land described in the Indian Office letter of March 20, 1908,

-10-

for which script was issued to persons bearing similar names to those of the applicant's ancestors.

I have the honor to therefore, recommend that the original decision of the Commission to the Five Civilized Tribes, of March 15, 1904, denying the right of the applicants to identification as Mississippi Choctaws be affirmed.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM-19-1.

MCR-5211

Muskogee, Indian Territory, February 21, 1907.

Cornelia Windom, nee Tubbee,  
Ardmore, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Tom Tubbee et al.

Respectfully,

Commissioner.

**Department of the Interior,**

Commissioner to the Five Civilized Tribes.

COPY.

To **Cornelia Windom (nee Tubbee).**

**Ardmore, Indian Territory.**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Ardmore, Ind. Ter.** in the **Chickasaw** Nation, Indian Territory, on the **16th** day of **March** 19**06**, to testify before said Commissioner in the matter of the **consolidated Mississippi Choctaw case of Tom Tubbee, et al.***

*Dated at **Muskogee***

*this **20th** day of **February** 19**06**.*

SIGNED *W. O. Beall*  
**Acting** Commissioner.



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**ROBERT C. CLOWRY, President and General Manager.**

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**THE WESTERN UNION TELEGRAPH COMPANY.**

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Time Filed

Government Collect.

**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Mustame, Indian Territory, May 6, 1903.

J. A. Edwards,

Ardmore, Indian Territory,

Replying your telegram May fifth, Cornelia, Jeff and Adolphus Tubbee  
are applicants for identification as Mississippi Choctaws. No decis-  
ion rendered. Mother, Manda Tubbee, noncitizen. No application made  
for her.

Birby,

Chairman.

O.R.G.P.

READ THE NOTICE AND AGREEMENT ON BACK. 21

**FILED**

MAY 31 1905  
COMMISSION TO FIVE TRIBES.

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Comer in Times,

Durwood, Indian Territory.

MUSKOGEE, IND. TER.

#1997 No. \_\_\_\_\_  
For Identification as a Mississippi Choctaw.

*T. W. Miss.*  
Date APR 10 1902

Name *Cornelia Tubbee*  
*by Chas B. Tinsley*  
Age *20* Blood *1/2*

Post Office, *Tules, Miss.*

Father: *Lewis Tubbee* *DEED*

Mother: *Manda* " *L*

Claims through

*for self and 2 minor  
brothers.*

*1/2 w. Choctaw blood*

Children:

|                 |               |           |
|-----------------|---------------|-----------|
| <i>Jeff</i>     | <i>Tubbee</i> | <i>17</i> |
| <i>Adolphus</i> | "             | <i>12</i> |

Stenographer *J. S. Niles*

No. 5211

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW,

Date MAR 23 1903

Name

Age

Blood

Post Office,

Father:

Mother:

Claims through

Witness

Manda Tubbee

Children:

Stenographer

R. B. Eisenberg

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

613 1904



CASTELL

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



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Cornelia Tubbee,  
Durwood, Indian Territory.

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Choctaw MCR 5212

Lisban Vaughn

MCR 5212

*Laughlin*

DISMISSED

AUG 12 1904

*San Francisco*

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

-oOo-

In the matter of the application for the identification of  
Lisben Vaughn as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Lisben Vaughn as a Mississippi  
Choctaw, M.C.R. 5212.

-oOo-

5265

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Cooksey Vaughn for the identification of himself, his wife -----, and three minor children, -----, ----- and -----, as Mississippi Choctaws, represented by Adam Brokeshoulder.

Said Adam Broke shoulder, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.  
Q How old are you? A About seventy or seventy-one.  
Q What's your postoffice address? A Toles, Kemper County, Mississippi.  
Q How long have you lived in Kemper County? A All my life.  
Q Are you acquainted with a Choctaw by the name of Cooksey Vaughn?  
A Yes.  
Q How long have you known him? A All his life.  
Q How far do you live from him? A Three quarters of a mile.  
Q Has he lived in Kemper County all his life? A He's been living there but he aint living there now.  
Q Where does he live just now? A White's Store, Herbert Postoffice, near old Yazoo Village.  
Q His postoffice, then, is Herbert, is it? A Yes.  
Q How long has he been living up there? A This is the second year.  
Q Until he moved up there he had lived here in Kemper all his life, had he? A Yes.  
Q About how old a man is he? A About thirty.  
Q Is he a full blood Choctaw? A Yes.  
Q Is his father living? A No sir.  
Q What was his name? A English name Jim Vaughn--Choctaw name Tah-bis.  
Q Is his mother living? A Dead.  
Q What was her name? A Cun-ne-me-tim-ah.  
Q Did she have an English name? A No, I can't think of her English name.  
Q Is Cooksey Vaughn a full brother of John Vaughn, about whom you have just testified? A Yes.  
Q Is Cooksey married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A I don't know her name.  
Q Is Cooksey living with his wife at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
A About how old is she? A About as old as her husband.  
Q How long have you known her? A Been knowing her ever since she was mighty near grown.  
Q Has she lived in Mississippi all her life? A Yes.  
Q Is her father living? A Dead long time.  
Q What was his name? A Yo-ah-tan-bee.  
Q Was he a full blood? A Yes.

- Q Was he older or younger than you? A Older than me--little, not much.
- Q How long were you acquainted with him? A All our lives.
- Q Where did he live? A On Fogue Chitto.
- Q He lived in Mississippi all his life, did he? A Yes.
- Q Do you know the name of Yo-ah-tan-bee's father or mother? A Yes, I know his father.
- Q What was his name? A Ho-pah-ha-tubbee.
- Q Did Yo-ah-tan-bee ever have any brothers or sisters older than he? A I don't think he did.
- Q Do you know the name of Cooksey's wife's mother? A I know but I don't know her name.
- Q Is she living? A Dead long time.
- Q She was a full blood Choctaw, was she? A Yes.
- Q Do you know the names of her father and mother? A I don't know.
- Q So far as you know, all of Cooksey's wife's ancestors have always lived here in Mississippi, have they? A Yes.
- Q They have all been full blood Choctaws? A Yes.
- Q Have Cooksey and his wife any children living? A Three, I think.
- Q Do you know their names? A No.
- Q Do you know the names of any of them? A Never did hear the names of none of them. We never did visit one another. I know he's got three living.
- Q Is the oldest one a boy or girl? A Girl.
- Q About how old is she? A About five.
- Q Next one a boy or girl? A Girl, I think.
- Q About how old is she? A About three.
- Q Is the next one a boy or girl? A I don't know.
- Q About how old is it? A About six months old.
- Q These three children are living with them now, are they? A Yes.
- Q Have they any other children living with them? A No.
- Q No old folks living with them, have they? A No.
- Q Has any application of any kind ever been made to the Commission for Cooksey or his wife or any of these children to your knowledge? A No.

As to a compliance on the part of the ancestors of Cooksey Vaughn with the provisions of article 14 of the treaty of Dancing Rabbit Creek reference is hereby made to the testimony of Adam Brokeshoulder, given this date in support of the application of John Vaughn for identification as a Mississippi Choctaw.

- Q You appeared before the Commission at Meridian last May, did you not? A Yes.
- Q Do you know whether any of the ancestors of Cooksey Vaughn's wife 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 If they did, I don't know.
- Q Do you know whether any of them appeared before any of the Commissioners appointed under the acts of Congress approved between the years 1837 and 1842 and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Cooksey Vaughn et al---3

Q Do you know whether Ho-pa-ha-tubbee appeared before the Commissioners up there at old Yazoo Village in the forties? A Yes, Ho-pa-ha-tubbee was there.

Q Did you see him there? A Yes.

Q Did you see him go in and give in his name to the Commissioners? A Yes.

Q Where was Ho-pa-ha-tubbee living when these Commissioners were there? A I think he was living at Bogue Chitto where his grandchildren are living now.

Q Give us the names of all of the children of this man Ho-pa-ha-tubbee that you remember? A Yo-ah-tambee and I think he had a sister by the name of I-ye-nan-te-mah.

Q Were they both older than you? A I think Yo-ah-tambee was older than I am and I think his sister was about the same age I am.

On page 566 of Volume one of the records of the Court of Claims, No. 12742, the Choctaw Nation of Indians vs the United States, appears the case of Ho-pa-ha-tubbee, No. 259, it appearing that at the time the treaty of Dancing Rabbit Creek was made he lived on the Southwest quarter of Section 6, Township 11, Range 14 East, and had living with him two children under ten years of age, namely Yo-ah-tam-tee and I-ye-nan-te-mah. His claim was passed upon favorably by the Commissioners appointed under the act of Congress approved August 23, 1842, and their decision was, on July 23, 1845, affirmed by the Secretary of War. From the testimony of Adam Brokesoulder, who bears the reputation of being thoroughly reliable, it would seem that these are the ancestors of the wife of Cooksey Vaughn.

Q Has Cooksey's wife any brothers living to your knowledge? A No.

Q Any sisters? A No.

Q How many brothers has Cooksey living? A Just two, John and Greer.

Q How many sisters has he living? A Three living--one of them is Ish-tah-he-mah, the wife of Pink Bull.

Q Has she an English name? A I don't know.

Q What are the names of the other two? A Meely.

Q Is she married? A No, she aint married.

Q What's the name of the other one? A Lisben.

Q Is she married? A No.

Q Is she of age? A Lisben is the oldest of the girls and I expect she's about thirty; I think Meely is maybe twenty years old.

Q Has Cooksey any brothers or sisters dead who left children? A Just one brother died and left children.

Q What was his name? A Chubbee Vaughn.

Q How many children did he leave? A Two, I think.

Q Are they living now? A I don't know.

Q What's their mother's name? A I don't know.

Q Is she married now? A That's what I heard.

Q Who is she married to? A She's now the wife of Gus Willis.

Q About how old is the wife of Pink Bull? A About twenty-three.

Q What's her name? A Ish-tah-he-mah.

Q Is she a full sister of John Vaughn? A Yes.

Cooksey Vaughn et al---4

- Q Her postoffice is Rio, Mississippi, isn't it? A Yes.  
Q When was she married to Pink Bull? A About a month ago.  
Q Pink was married before he married her, wasn't he? A Yes, he was married to a woman living upon Bogue Chitto Creek in Neshoba County.  
Q Do you know what her name was? A I don't know.  
Q How long before he married this last wife was it that he separated from the other one? A Something over a year-maybe two years.

The records of the Commission show that on the 31st day of May, 1901, Pink Bull appeared before the Commission at Meridian, Mississippi, and made application for the identification of himself and his wife, Emma, as Mississippi Choctaws, their names appearing upon M.C.C. Field No. R-2525. Since his appearance in May of Last year he has married Ish-tah-he-mah Vaughn.

- Q About how old is Meely Vaughn? A About twenty.  
Q Is she a full sister of John Vaughn? A Yes.  
Q With whom does she live? A With John Vaughn.  
Q Her postoffice, then, is Teles, Mississippi, is it? A Yes.  
Q Has she ever been married? A No.  
Q About how old is Lisben? A About twenty-six.  
Q Is she a full sister of John Vaughn? A Yes.  
Q Has she ever been married? A No.  
Q Has she any children living? A No.  
Q Has Meeley any children living? A No.  
Q With whom does Lisben live? A Lives with John Vaughn.  
Q No application of any kind has ever been made to the Commission for Pink Bull's wife or Meeley or Lisben, has there? A No, not that I ever heard.

Cooksey Vaughn and his three sisters, referred to in the testimony in this case, are undoubtedly full blood Choctaws living in Kemper County, Mississippi. Cooksey was seen yesterday by the representatives of the Commission but refused to make any appearance. He has had knowledge of the presence of the Commission in Mississippi but has always refused to appear before us, as have all of the other members of his family except John Vaughn. Adam Brokeshoulder has the reputation of being thoroughly reliable and trustworthy.

-----

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 Teles, Mississippi, April 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of April, 1902. :

Cooksey Vaughn et al--5

at Meridian, Mississippi.

*L. B. Massey,*

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

By *J. M. ...*

Deputy.



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

-oOo-

In the matter of the application for the identification of  
Lisben Vaughn as a Mississippi Choctaw, M.C.R. 5212.

---: 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 Lisben Vaughn, 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 Cooksey Vaughn, et al., M.C.R. 5205, 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 Lisben Vaughn, as a Mississip-  
pi Choctaw, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

AUG 12 1904



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Chairman.

MERIDIAN, MISSISSIPPI, October 1, 1903.

Lisban Vaughn,

Herbert, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make settlement in the Choctaw--Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8A. M. and 6 P. M.

Very respectfully,

Special Agent.

File No. 64

Meridian, Mississippi, November 25, 1903.

Lisban Vaughn,

Herbert, 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 10, 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 64

Special Agent.

M.C.R. 5212

COPY:

Muskogee, Indian Territory, August 12, 1904.

Lisben Vaughn,

Toles, 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, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

~~SIGNED~~

Registered.

Commissioner in Charge.

Enc. MCR 5212

M.C.R. 5212

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, dismissing the application for identification as a Mississippi Choctaw of Lisben Vaughn.

Respectfully,

(SIGNED)

Enc. MCR 5212

*W. J. Sullivan*  
Commissioner in Charge.

#1999

No. 5212

For Identification as a Mississippi Choctaw.

Toles <sup>Miss</sup> Date 10 1902

Name Lisban Vaughn &

Age 26 Blood full

Post Office, Toles, Miss.

Father: Jim Vaughn d

Mother: Cun-ne-me-tim-ah d

Claims through

Lisban

Children:

See...

Brother...

of his...

This...

Choctaw MCR 5213

Billy Vaughn

by

Adam Brokeshoulder

MCR 5213



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

---C---

In the matter of the application of Billy Vaughn for identification as a Mississippi Choctaw.

---C---

Herein is the record in the matter of the application of Billy Vaughn for identification as a Mississippi Choctaw

M.C.R. 5213.

---C---

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

---c---

In the matter of the application for the identification of  
Billy Vaughn as a Mississippi Choctaw, M.C.R. 5213.

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

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| Original application of Billy Vaughn to the<br>Dawes Commission for identification as a<br>Mississippi Choctaw----- | 1      |
| Testimony of Billy Vaughn-----                                                                                      | 3      |
| Decision of the Commission identifying<br>Billy Vaughn as a Mississippi Choctaw-----                                | 6      |

---c---

5213

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Billy Vaughn for identification as a Mississippi Choctaw, represented by Adam Brokeshoulder.

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

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.
- Q How old are you? A About seventy or seventy-one.
- Q What's your postoffice address? A Toles, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A All my life.
- Q Are you acquainted with a Choctaw by the name of Billy Vaughn? A Yes.
- Q How long have you known him? A All his life.
- Q How far do you live from him? A About half a mile.
- Q Has he lived in Kemper County all his life? A Yes.
- Q About how old a man is he? A About forty.
- Q Is he a full blood Choctaw? A Yes.
- Q What's his postoffice address? A Toles, Mississippi.
- Q Is his father living? A No.
- Q What was his name? A In-o-wah-tam-bee.
- Q Was In-o-wah-tam-bee older or younger than you? A Younger than me.
- Q About how much younger? A About ten years younger.
- Q Do you know the name of his father or of his mother? A Ho-pah-ha-tubbee.
- Q Is he the Ho-pah-ha-tubbee referred to by you on this date as the father of Yo-tam-bee who was the father of the wife of Cooksey Vaughn? A Yes.

Reference is hereby made to the testimony of Adam Brokeshoulder given before the Commission today in the matter of the application of Cooksey Vaughn et al for identification as Mississippi Choctaws.

- Q Is Billy Vaughn's mother living? A No.
- Q What was her name? A Ho-to-nah, she was a sister of Jim Vaughn, the father of John Vaughn.
- Q What was her father's name? A Ah-num-po-la.

Reference is hereby made to the testimony of Adam Brokeshoulder given before the Commission this day in the matter of the application of John Vaughn for identification as a Mississippi Choctaw.

Billy Vaughn--2

- Q Is Billy Vaughn married? A He was married but they're separated now.
- Q Is his wife living? A Yes.
- Q Is she married again? A No.
- Q What's her name? A Sena.
- Q Who does she live with? A With her brother John Lewis.
- Q Has she any children by Billy Vaughn? A No.
- Q Has she any children at all living? A No. Never did have any children at all.
- Q Was Billy Vaughn married more than once? A No.
- Q He lives by himself, then? A Yes.

From the testimony of Adam Brokeshoulder, who has the reputation of being a thoroughly reliable Choctaw, there can be no doubt that Billy Vaughn is a full blood Choctaw living near Toles, in Kemper County, Mississippi. The representatives of the Commission visited him at his home yesterday, April 9th, and made every possible effort to induce him to appear before us but he positively refused to do so.

-----

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 10th, 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 17th day of April, 1902, at Meridian, Mississippi.

*L. D. Woodley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

M C R 5213.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Meridian, Mississippi, // // // December 16th, 1903.

In the matter of the application of Billy Vaughn for  
identification as a Mississippi Choctaw.

ADDITIONAL TESTIMONY.

Billy Vaughn, the applicant, having been first duly sworn  
upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Billy Vaughn.  
Q How old are you? A Fifty.  
Q What is your post office address? A Toles.  
Q Kemper County, Mississippi? A Yes sir.  
Q Were you born in Mississippi? A Yes.  
Q Have you lived here all your life? A Yes.  
Q Do you claim to be a full-blood Mississippi Choctaw. A Yes.  
Q What was your father's name? A Don't know English name.  
Q Did he have a Choctaw name? A Yes, Choctaw name In-o-wah-  
tam-bee.  
Q Is your father living? A No, been dead long time.  
Q Was your father a full-blood Choctaw? A Yes, full-blood  
Choctaw, and my mammy too.  
Q What was your mother's name? A Ho-to-nah.  
Q Is your mother living? A No, she dead long time.  
Q Was she a full-blood Choctaw? A Yes, full-blood Choctaw.  
Q And you claim to be a full-blood Choctaw? A Yes.

This applicant is the identical Billy Vaughn for whom  
application for identification as a Mississippi Choctaw  
was made at Toles, Mississippi, April 10, 1902, by  
Adam Brokeshoulder.

- Q Have you ever made personal appearance before the Commission  
prior to this time? A No, first time.  
Q Did you know that Adam Brokeshoulder had made an application  
for you? A Yes, just heard it.  
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 No.  
Q Do you know whether or not the parents of your father were  
full-blood Choctaws? A Yes, full-blood.  
Q You are sure of that? A Yes.  
Q Do you know the names of either of the parents of Ho-to-nah,  
your mother? A No.  
Q Have all of your people, your fore-parents, always lived in  
Mississippi? A Yes.  
Q And have they always been considered as full-blood Choctaws?  
A Yes, all full-blood.

Billy Vaughn-----2

- Q Are you married? A No.  
Q Ever been married? A No.  
Q Didn't you at one time have a wife named Sena, sister of John Vaughn? A Yes, but done quit long time.  
Q Did you ever have any children? A No.  
Q Do you know whether any of your ancestors ever obtained any land from the Government? A Well, somebody told me long time ago that they got land.  
Q Which one of your ancestors obtained land from the Government? A My mother, Ho-to-nah, and she dead and I got it.  
Q Do you still own that land? A Yes.  
Q Where is that land located? A Kemper County, Mississippi.  
Q How much land did your mother get? A Eighty acres.  
Q How far is that land from the post office at Toles, Mississippi? A Three miles other side.  
Q Do you know whether that land was obtained by her by reason of her having complied with article fourteen of the treaty of Dancing Rabbit Creek, by going before the United States Indian Agent in Mississippi within six months after the date of the ratification of that treaty, and telling him she wanted to stay in Mississippi, take land and become a citizen of the states?  
A No, don't know about that.  
Q Did your mother, Hotomah, have any brothers? A Jim Vaughn is only one I know.  
Q Did your mother ever have any sisters? A No, I don't know.  
Q Do you remember the name of the father of Ho-to-nah? A Yes, Ah-num-po-la was her daddy.  
Q Do you remember the name of the mother of Ho-to-nah? A No, don't know.  
Q Were Ah-num-po-la and his wife both full-blood Choctaws?  
A Yes, full-blood.  
Q Did Ah-num-po-la also get land from the Government? A Yes.  
Q How much land did he receive? A Three hundred and twenty acres.  
Q Where was that land located? A Right next land my mammy got.  
Q Who lives on the land that Ah-num-po-la received from the Government? A John Vaughn, grandson of Ah-num-po-la. John Vaughn's daddy, Jim Vaughn, lived there until two year ago when he died.  
Q Did you ever see patent to that land issued by the Government to Ah-num-po-la and Ho-to-nah? A No, never see patent.  
Q Have you any brothers living? A No.  
Q Did you ever have any brothers? A No.  
Q Have you any sisters living? A No.  
Q Did you ever have any sisters? A No.  
Q Are there any other ststaements you wish to make? A No, that's all.

This applicant has every appearance and characteristic of a full-blood Choctaw Indian.

4

Harry C Risteen, being 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 16th day of December, 1903, and that

Billy Vaughn 3

the above and foregoing is a full, true and correct transcript  
of said proceedings on said date.

*Harry Christie*

Subscribed and sworn to before me this 17th day of December  
1903.

*J. M. W.*  
N. O.

067  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the identification of  
Billy Vaughn as a Mississippi Choctaw, M.C.S. 5213.

---: 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 Adam Brokeshoulder for Billy Vaughn, under  
the following provision of the act of Congress approved June 28,  
1898, (30 Stats., 495):

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

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

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



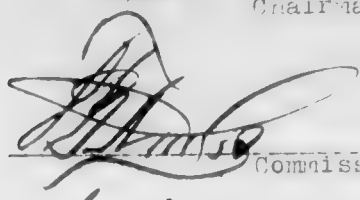
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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-eight, 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."

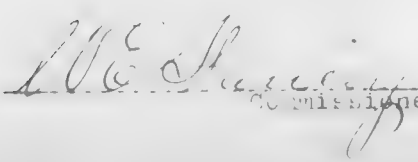
It is therefore the opinion of this Commission that Billy Vaughn should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

  
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Commissioner.

  
-----  
Commissioner.

  
-----  
Commissioner.

Washington, Indian Territory,

MAR 12 1904

MERIDIAN, MISSISSIPPI, September 30, 1903.

Billy Vaughn,

Toles, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April, 10, 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 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. 62  
M C R 5213

Special Agent

Meridian, Mississippi, November 25, 1903.

Billy Vaughn,

Toles, 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 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Daves Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write 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.

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 62

Special Agent.

M C R 5212

Muskogee, Indian Territory, December 31, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith a copy of the testimony of Adam Brokeshoulder, in the matter of the application of Lisban Vaughn for identification as a Mississippi Choctaw.

No personal appearance has been made by this applicant and you are directed to secure, if possible, her testimony, following letter of this Commission dated September 2, 1903.

Respectfully,

JD 1-31

Chairman.

M.C.R. 5213

Muskogee, Indian Territory, March 16, 1904.

Billy Vaughn,

Toles, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

Enc. MCR 5213.

COPY. M.C.R. 5213

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 Billy Vaughn 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 said Billy Vaughn 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. Irwin*  
Commissioner in Charge.

Registered.

Enc. MCR 5213.

No. 6713

For Identification as a Mississippi Choctaw.

*Toles, Miss* Date APR 10 1902

Name *Billy Vaughn*

Age *40* Blood *free*

Post Office, *Toles, Miss*

Father: *In o-nah-tam bee*

Mother: *4-to-nah*

Claims through

Children:

Stenographer

*J. A. Niles*

Choctaw MCR 5214

Meeley Vaughn

MCR 5214

FD



REGISTRATION AS R 521  
MISSISSIPPI CHOCTAW.

*Melby Vaughn*

DISMISSED

AUG 12 1904

*Gen. Beale*

*Abolished not in force. 1904*

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

-oOo-

In the matter of the application for the identification of  
Meeley Vaughn as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Meeley Vaughn as a Mississippi  
Choctaw, M.C.R. 5214.

-oOo-

1

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tolan, Mississippi, April 10th, 1902.

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In the matter of the application for the identification of  
Meeley Vaughn as a Mississippi Choctaw, M C R 5214.

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-- Testimony of Adam Brokenshoulder.--

Said Adam Brokenshoulder, being first duly sworn, testified as follows: (Oscar Billey, official interpreter):

Examination by the Commission:

- Q What's your name? A Adam Brokenshoulder.  
Q How old are you? A About seventy or seventy-one.  
Q What's your postoffice address? A Tolan, Kemper County, Mississippi.  
Q How long have you lived in Kemper County? A All my life.  
Q Are you acquainted with a Choctaw by the name of Cooksey Vaughn?  
A Yes.  
Q How long have you known him? A All his life.  
Q How far do you live from him? A Three quarters of a mile.  
Q Has he lived in Kemper county all his life? A He's been living there but he aint living there now.  
Q Where does he live just now? A White's store, Herbert Post office near old Yazoo Village.  
Q His postoffice, then, is Herbert, is it? A Yes.  
Q How long has he been living up there? A This is the second year  
Q Until he moved up there he had lived here in Kemper all his life, had he? A Yes.  
Q About how old a man is he? A About thirty.  
Q Is he a full blood Choctaw? A Yes.  
Q Is his father living? A No sir.  
Q What was his name? A English name Jim Vaughn--Choctaw name Tah-bis.  
Q Is his mother living? A Dead.  
Q What was her name? A Cur-ne-me-tin-sh.  
Q Did she have an English name? A No, I can't think of her English name.  
Q Is Cooksey Vaughn a full brother of John Vaughn, about whom you have just testified? A Yes.  
Q Is Cooksey married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A I don't know her name.  
Q Is Cooksey living with his wife at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A About as old as her husband.  
Q How long have you known her? A Been knowing her ever since she was mighty near grown.  
Q Has she lived in Mississippi all her life? A Yes.  
Q Is her father living? A Dead long time.  
Q What was his name? A Yo-ah-tambee.  
Q Was he a full blood? A Yes.  
Q Was he older or younger than you? A Older than me--little, not much.

2.

Q How long were you acquainted with him? A All our lives.  
 Q Where did he live? A On Bogus Chitto.  
 Q He lived in Mississippi all his life, did he? A Yes.  
 Q Do you know the name of Yo-ah-tah-bee's father or mother? A Yes, I know his father.  
 Q What was his name? A Ho-pa-ha-tubbee.  
 Q Did Yo-ah-tah-bee ever have any brothers or sisters older than he? A I don't think he did.  
 Q Do you know the name of Cooksey's wife's mother? A I know but I don't know her name.  
 Q Is she living? A Dead long time.  
 Q She was a full-blood Choctaw was she? A Yes.  
 Q Do you know the name of her father and mother? A I don't know.  
 Q So far as you know, all of Cooksey's wife's ancestors have always lived here in Mississippi, have they? A Yes.  
 Q They have all been full blood Choctaw? A Yes.  
 Q Have Cooksey and his wife any children living? A Three I think.  
 Q Do you know their names? A No.  
 Q Do you know the names of any of them? A Never did hear the names of none of them. We never did visit one another. I know he's got three living.  
 Q Is the oldest one a boy or girl? A Girl.  
 Q About how old is she? A About five.  
 Q Next one a boy or girl? A Girl, I think.  
 Q About how old is she? A About three.  
 Q Is the next one a boy or girl? A I don't know.  
 Q About how old is it? A About six months old.  
 Q These three children are living with them now, are they? A Yes.  
 Q Have they any other children living with them? A No.  
 Q No old folks living with them, have they? A No.  
 Q Has any application of any kind ever been made to the Commission for Cooksey or his wife or any of these children to your knowledge? A No.

As to a compliance on the part of the ancestors of Cooksey Vaughn with the provisions of article 14 of the treaty of Dancing Rabbit Creek reference is hereby made to the testimony of Adam Brokenshoulder, given this date in support of the application of John Vaughn for identification as a Mississippi Choctaw.

Q You appeared before the Commission at Meridian last May, did you not? A Yes.  
 Q Do you know whether any of the ancestors of Cooksey Vaughn's wife 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 If they did, I don't know.  
 Q Do you know whether any of them appeared before any of the Commissioners appointed under the acts of congress approved between the years 1837 and 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 now whether Ho-pa-ha-tubbee appeared before the Commissioners up there at old Yaseo Village in the forties? A Yes, Ho-pa-ha-tubbee was there.  
 Q Did you see him there? A Yes.  
 Q Did you see him go in and give in his name to the Commissioners? A Yes.  
 Q Where was Ho-pa-ha-tubbee living when those Commissioners were there? A I think he was living at Bogus Chitto where his grandchildren are living now.  
 Q Give us the names of all of the children of this man Ho-pa-ha-tubbee that you remember? A Yo-ah-tah-bee and I think he had a sister by the name of ~~xxxxxxxxxxxx~~.

Q Were they older than you? A I think Yo-ah-tumbee was older than I am and I think his sister was about the same age I am.

On page 366 of Volume one of the records of the Court of Claims No. 12742, the Choctaw Nation of Indians vs the United States, appears the case of Ho-pa-na-tubbee, No. 259, it appearing that at the time of the treaty of Dancing Rabbit Creek was made he lived on the southwest quarter of Section 6, Township 11, Range 14 East, and had living with him two children under ten years of age, namely--Yo-ah-tar-bee and I-yo-nar-te-mah. His claim was passed upon favorably by the Commissioners appointed under the act of Congress approved August 23, 1842, and their decision was, on July 23, 1846, affirmed by the Secretary of War. From the testimony of Alex. Probstmiller, who bears the reputation of being thoroughly reliable, it would seem that these are the ancestors of the wife of Volney Vaughan.

Q Has Cooksey's wife any brothers living to your knowledge? A No.  
 Q Any sisters? A No.  
 Q How many brothers has she any living? A Just two, John and Groer.  
 Q How many sisters has he living? A Three living--one of them is Ish-tah-he-mah, the wife of Pink Bull.  
 Q Has she an English name? A I don't know.  
 Q What are the names of the other two? A Neely.  
 Q Is she married? A No, she isn't married.  
 Q What's the name of the other one? A Lisbon.  
 Q Is she married? A No.  
 Q Is she of age? A Lisbon is the oldest of the girls and I expect she's about thirty; I think Neely is maybe twenty years old.  
 Q Has Cooksey any brothers or sisters and the left children? A Just one brother died and left children.  
 Q What was his name? A Shalose Vaughan.  
 Q How many children did he leave? A Two, I think.  
 Q Are they living now? A I don't know.  
 Q What's their mother's name? A I don't know.  
 Q Is she married now? A That's what I heard.  
 Q Who is she married to? A She is now the wife of Gus Willis.  
 Q About how old is the wife of Pink Bull? A About twenty three.  
 Q What's her name? A Ish-tah-he-mah.  
 Q Is she a full sister of John Vaughan? A Yes.  
 Q Her post office is Rio, Mississippi, isn't it? A Yes.  
 Q When was she married to Pink Bull? A About a month ago.  
 Q Pink was married before he married her, wasn't he? A Yes, he was married to a woman living upon Bogus Chitto Creek in Neshoba County.  
 Q Do you know what her name was? A I don't know.  
 Q How long after before he married this last wife was it that he separated from the other one? A Something over a year--may be two years.

The records of the Commission show that on the first day of May 1901, Pink Bull appeared before the Commission at Meridian, Miss. 11, and made a declaration for the identification of himself, and his wife, Ima, nee Ima Niggi Choctaw, their names appearing upon Vol. 2, Field No. 2-2245. Since his appearance in May of last year he has married Ish-tah-he-mah Vaughan.

Q About how old is Neely Vaughan? A About twenty.  
 Q Is she a full sister of John Vaughan? A Yes.  
 Q With whom does she live? A With John Vaughan.  
 Q Her postoffice, then, is Toles, Mississippi, is it? A Yes.  
 Q Has she ever been married? A No.  
 Q About how old is Lisbon? A About twenty six.  
 Q Is she a full sister of John Vaughan? A Yes.

- Q Has she ever been married? A No.  
 Q Has she any children living? A No.  
 Q Has Mealy any children living? A No.  
 Q With whom does Lisbon live? A Lives with John Vaughn.  
 Q No application of any kind has ever been made to the Commission for Pink Bull's wife or Mealey or Lisbon, has there? A No, not that I ever heard.

Cooksey Vaughn and his three sisters, referred to in the testimony in this case, are undoubtedly full blood Choctaws living in Cooper county, Mississippi. Cooksey was seen yesterday by the representatives of the Commission but refused to make any appearance. He has had knowledge of the presence of the Commission in Mississippi, but has always refused to appear before us, as have all of the other members of his family except John Vaughn. Adam Branchoulder has the reputation of being thoroughly reliable and trustworthy.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Teles, Mississippi, April 10th, 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.

(Signed) Ira S. Miles.

Subscribed and sworn to before me this 17th day of April, 1902, at Meridian, Mississippi.

(Signed) . . . . .

(S E A L.)

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

By (Signed) J.P. Walker,  
 Deputy.

-----000-----

Harry C Risteen, 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 for the identification of Cooksey Vaughn, et al., as Mississippi Choctaws, at Teles, Mississippi, on the 10th day of April, 1902, as appears upon the records of the Commission (Caption omitted and substituted).

*Harry C. Risteen*

Subscribed and sworn to before me this 17th day of February, 1903

*Charles H. Larkin*  
 Notary Public.

Meridian, Mississippi, December 3, 1903.

Meely Vaughan,

Toles, Mississippi.

Dear Madam-

It appears from the records of the Commission that on April 10, 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 appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as a Mississippi Choctaw.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating 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 63

Special Agent.

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

-oOo-

In the matter of the application for the identification of  
Meeley Vaughn as a Mississippi Choctaw, M.C.R. 5214.

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

It does not appear from the records of the Commission that any application has ever been made for the identification of Meeley Vaughn, 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 Cooksey Vaughn, et al., M.C.R. 5205, 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 Meeley Vaughn, as a Mississippi Choctaw, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

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

M.C.R. 5214

COPY.

Muskogee, Indian Territory, August 12, 1904.

Meeley Vaughn,  
Tola, 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, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 5214.

M.C.R. 5214

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, dismissing the appli-  
cation for identification as a Mississippi Choctaw of Meeley  
Vaughn.

Respectfully,

SIGNED

*I. B. Needles.*  
Commissioner in Charge.

Incl. MCR.5214.

2000

No. 5214

**For Identification as a Mississippi Choctaw.**

Tales. <sup>Miss</sup> Date APR 10 1902

Name Meelery Vaughn

Age 20 Blood full

Post Office, Tales, Miss

Father: Jim Vaughn d

Mother: Cun-ne-me-tem-ahv d

Claims through

For my name

Children:

See [illegible]  
[illegible]  
[illegible]  
[illegible]

J. A. Niles

Choctaw MCR 5215

Greer Vaughn

by

Adam Brokeshoulder

MCR 5215

APPLICATION AS R.521  
A MISSISSIPPI CHOCTAW.

*Green Vaughan et al*

DECISION RENDERED JUL 16 1904

No. 1- IDENTIFIED  
JUL 16 1904

COPY OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

#243 DISMISSED

*Green Vaughan et al*

*H. Raymond & Co. Secy*

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

-cOo-

In the matter of the application for the identification of  
Greer Vaughn, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for  
the identification of Greer Vaughn, et al., as Mississippi  
Choctaws, M.C.R. 5215.

-cOo-

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

-oOo-

In the matter of the application for the identification of  
Greer Vaughn, et al., as Mississippi Choctaws, M.C.R. 5215.

-- : I N D E X :--

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| Original application for the identification of<br>Greer Vaughn, et al., as Mississippi Choctaws----- | 1      |
| Decision of the Commission identifying Greer<br>Vaughn as a Mississippi Choctaw-----                 | 3      |

-oOo-



5215

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Toles, Mississippi, April 10th, 1902.

In the matter of the application of Greer Vaughn for the identification of himself, his wife, -----, and one child, -----, as Mississippi Choctaws, represented by Adam Brokeshoulder.

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

Examination by the Commission.

- Q What's your name? A Adam Brokeshoulder.  
Q How old are you? A About seventy-or seventy one.  
Q What's your postoffice address? A Toles, Kemper County, Mississippi.  
Q How long have you lived in Kemper County? A All my life.  
Q Are you acquainted with a man by the name of Greer Vaughn? A Yes.  
Q How long have you known him? A I've known him all his life.  
Q How far does he live from you? A About three quarters of a mile.  
Q He has lived here in Kemper all his life, has he? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q About how old? A About twenty-eight.  
Q What's his postoffice? A Toles, I reckon.  
Q Is he a full brother of John Vaughn about whom you have testified today? A Yes.  
Q Is he married? A Yes.  
Q Is his wife living? A Yes.  
Q Are they living together? A Yes.  
Q What's the name of his wife? A I don't know her name.  
Q Is she a full blood Choctaw? A I think so.  
Q How long have you known her? A All her life.  
Q About how old is she? A About twenty-seven or twenty-eight.  
Q Is her father living? A Yes.  
Q What's his name? A Smith Bell.  
Q Where does he live? A Upon Bogue Chitto Creek, in Kemper County.  
Q Is her mother living? A Yes.  
Q What's her name? A I don't know.  
Q Do you know the name of any of Greer's wife's grandparents? A I don't know.  
Q As far as you know, have all of the ancestors of Greer's wife been full blood Choctaws and have they always lived here in Mississippi? A Yes.  
Q Have Greer and his wife any children living? A Yes.  
Q How many? A I heard they just got one little baby living.  
Q Boy or girl? A I don't know.  
Q About how old? A Maybe a week old.  
Q Were either of them ever married more than once, Greer or his wife? A I don't think they were.  
Q Have they any other children living with them? A No.

As to a compliance on the part of the ancestors of Greer Vaughn with the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of

Greer Vaughn et al---2

Adam Brokeshoulder given before the Commission today in support of the application of John Vaughn for identification as a Mississippi Choctaw.

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

Q Do you know whether any of them ever got any land from the Government under the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever appeared before any of the Commissioners appointed under the acts of Congress approved between the years 1837 and 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 approved August 23, 1842? A I don't know.

From the testimony of Adam Brokeshoulder, there can be no doubt that Greer Vaughn and his wife are full blood Choctaws living in Kemper County, Mississippi. Greer Vaughn has known for a year of the presence of the Commission in Mississippi but has always refused to appear before us. He received notice on Monday, the 7th inst., of our presence at Toles but positively refused to appear before us.

-----

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 10th, 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 17th day of April, 1902,  
at Meridian, Mississippi.

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

By *J. Mark*

Deputy.

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

-oOo-

In the matter of the application for the identification of Greer Vaughn, et al., as Mississippi Choctaws, M.C.R. 5215.

---: 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 Adam Brokeshoulder for Greer Vaughn, 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 Adam Brokeshoulder made application for the identification of the above named applicant, he also made application for the wife of said applicant and his minor child, but was unable to state their names. Although this applicant has been repeatedly requested to furnish the names of said persons, he has failed to do so.

From the evidence submitted in support of said application

it appears that Greer Vaughn 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 be 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 Greer Vaughn should be identified as a Mississippi Choctaw, and it is so ordered.

It is the further opinion of this Commission that the application made for the identification as Mississippi Choctaws of the wife of the principal applicant and his minor child, whose names are not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

MERIDIAN, MISSISSIPPI, October 2nd, 1903.

Greer Vaughn,

Toles, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 16, 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. We will find me at the Federal Building between the hours of 8 A. M. and 5 P. M.

Very respectfully,

No. 82--M C R 5215.

Special Agent.

Meridian, Mississippi, November 27, 1903.

Greer Vaughn,

Toles, Mississippi.

Dear Sir-

Under date of October 2, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 10, 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 5215

Muskogee, Indian Territory, April 1, 1904.

Greer Vaughn,

Toles, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 10, 1902, Adam Brokeshoulder appeared before this Commission at Toles, Mississippi, and made application for the identification of yourself, your wife and minor child as Mississippi Choctaws. He was unable at that time to give the name of your wife or the name of your child, 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 immediate attention for until this information is received no further action can be taken in your case.

Respectfully,

Enc. JD 2-1 & Env.

Commissioner in Charge.

M.C.R. 5215

COPY:

Muskogee, Indian Territory, July 16, 1904.

Greer Vaughn,

Toles, 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 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 you to avail yourself of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Registered.

Incl. M.C.R. 5215.



4  
M.C.R. 5215

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 Greer Vaughn, 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 applicant as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Jams Dixby.*

Chairman.

Registered.  
Incl. M.C.R. 5215.

See M.C.R. 6507 for registry receipt for this letter.

For Identification as a Mississippi Choctaw.

Tolles, Miss. Date APR 10 1902

Name Greer Vaughn

Age 28 Blood pure

Post Office, Tolles, Miss.

Father: Jim Vaughn

Mother: Cun-ne-me-ten-ah

Claims through

wife = Vaughn (free) 2/4  
Father - Smith Bee - L  
Mother - dont know - L

Children:

1 WK

Stenographer

J. J. Niles

Choctaw MCR 5216

Ish-tah-he-mah Bull

MCR 5216

MISSISSIPPI CHOCTAW.

*Tah-hi-mah. Ball.*

REFER TO M. C. R.  
**DISMISSED**  
AUG 12 1904

*James M. Ball*

*See M. C. R. 25-25.*

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

-oOo-

In the matter of the application for the identification of  
Ish-tah-he-mah Bull as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Ish-tah-he-mah Bull as a Mississippi  
Choctaw, M.C.R. 5216.

-oOo-

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Toles, Mississippi, April 10th, 1902.

--o--

In the matter of the application for the identification of Ish-tah-ho-mah Bull as a Mississippi Choctaw, M C R 5216 .

--o--

-- Testimony of Adam Brokeshoulder.--

Said Adam Brokeshoulder, being first duly sworn, testified as follows: (Oscar Billey, official interpreter):

Examination by the Commission:

- Q What's your name? A Adam Brokeshoulder.  
Q How old are you? A About seventy or seventy-one.  
Q What's your postoffice address? A Toles, Kemper County, Mississippi.  
Q How long have you lived in Kemper County? A All my life.  
Q Are you acquainted with a Choctaw by the name of Cooksey Vaughn?  
A Yes.  
Q How long have you known him? A All his life.  
Q How far do you live from him? A Three quarters of a mile.  
Q Has he lived in Kemper county all his life? A He's been living there but he aint living there now.  
Q Where does he live just now? A White's store, Herbert Post office near old Yazoo Village.  
Q His postoffice, then, is Herbert, is it? A Yes.  
Q How long has he been living up there? A This is the second year.  
Q Until he moved up there he had lived here in Kemper all his life, had he? A Yes.  
Q About how old a man is he? A About thirty.  
Q Is he a full blood Choctaw? A Yes.  
Q Is his father living? A No sir.  
Q What was his name? A English name Jim Vaughn--Choctaw name Tah-bis.  
Q Is his mother living? A Dead.  
Q What was her name? A Cun-ne-me-tim-ah.  
Q Did she have an English name? A No, I can't think of her English name  
Q Is Cooksey Vaughn a full brother of John Vaughn, about whom you have just testified? A Yes.  
Q Is Cooksey married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A I don't know her name.  
Q Is Cooksey living with his wife at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A About as old as her husband.  
Q How long have you known her? A Been knowing her ever since she was mighty near grown.  
Q Has she lived in Mississippi all her life? A Yes.  
Q Is her father living? A Dead long time.  
Q What was his name? A Yo-ah-tambee.  
Q Was he a full blood? A Yes.  
Q Was he older or younger than you? A Older than me--little, not much.

- Q How long were you acquainted with him? A All our lives.
- Q Where did he live? A On Bogue Chitto.
- Q He lived in Mississippi all his life, did he? A Yes.
- Q Do you know the name of Yo-ah-tam-bee's father or mother? A Yes, I know his father.
- Q What was his name? A Ho-pah-ha-tubbee.
- Q Did Yo-ah-tam-bee ever have any brothers or sisters older than he? A I don't think he did.
- Q Do you know the name of Cooksey's wife's mother? A I know but I don't know her name.
- Q Is she living? A Dead long time.
- Q She was a full-blood Choctaw was she? A Yes.
- Q Do you know the names of her father and mother? A I don't know.
- Q So far as you know, all of Cooksey's wife's ancestors have always lived here in Mississippi, have they? A Yes.
- Q They have all been full blood Choctaws? A Yes.
- Q Have Cooksey and his wife any children living? A Three I think.
- Q Do you know their names? A No.
- Q Do you know the names of any of them? A Never did hear the names of none of them. We never did visit one another. I know he's got three living.
- Q Is the oldest one a boy or girl? A Girl.
- Q About how old is she? A About five.
- Q Next one a boy or girl? A Girl, I think.
- Q About how old is she? A About three.
- Q Is the next one a boy or girl? A I don't know.
- Q About how old is it? A About six months old.
- Q These three children are living with them now, are they? A Yes.
- Q Have they any other children living with them? A No.
- Q No old folks living with them, have they? A No.
- Q Has any application of any kind ever been made to the Commission for Cooksey or his wife or any of these children to your knowledge? A No.

As to a compliance on the part of the ancestors of Cooksey Vaughn with the provisions of article 14 of the treaty of Dancing Rabbit Creek reference is hereby made to the testimony of Adam Brokeshoulder, given this date in support of the application of John Vaughn for identification as a Mississippi Choctaw.

- Q You appeared before the Commission at Meridian last May, did you not? A Yes.
- Q Do you know whether any of the ancestors of Cooksey Vaughn's wife 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 If they did, I don't know.
- Q Do you know whether any of them appeared before any of the Commissioners appointed under the acts of congress approved between the years 1837 and 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 Ho-pa-ha-tubbee appeared before the Commissioners up there at old Yazoo Village in the forties? A Yes, Ho-pa-ha-tubbee was there.
- Q Did you see him there? A Yes.
- Q Did you see him go in and give in his name to the Commissioners? A Yes.
- Q Where was Ho-pa-ha-tubbee living when these Commissioners were there? A I think he was living at Bogue Chitto where his grandchildren are living now.
- Q Give us the names of all of the children of this man Ho-pa-ha-tubbee that you remember? A Yo-ah-tam-bee and I think he had a sister by the name of I-ye-nan-te-mah.

Q Were they older than you? A I think Yo-ah-tambee was older than I am and I think his sister was about the same age I am.

On page 566 of Volume one of the records of the Court of Claims No. 12742, the Choctaw Nation of Indians vs the United States, appears the case of Ho-pa-na-tubbee, No. 259, it appearing that at the time ~~of~~ the treaty of Dancing Rabbit Creek was made he lived on the southwest quarter of Section 6, Township 11, Range 14 East, and had living with him two children under ten years of age, namely--Yo-ah-tam-tee and I-ye-nan-te-mah. His claim was passed upon favorably by the Commissioners appointed under the act of Congress approved August 23, 1842, and their decision was, on July 23, 1845, affirmed by the Secretary of War. From the testimony of Adam Brokeshoulder, who bears the reputation of being thoroughly reliable, it would seem that these are the ancestors of the wife of Cooksey Vaughn.

Q Has Cooksey's wife any brothers living to your knowledge? A No.  
 Q Any sisters? A No.  
 Q How many brothers has Cooksey living? A Just two, John and Greer  
 Q How many sisters has he living? A Three living--one of them is Ish-tah-he-mah, the wife of Pink Bull.  
 Q Has she an English name? A I don't know.  
 Q What are the names of the other two? A Meely.  
 Q Is she married? A No, she aint married.  
 Q What's the name of the other one? A Lisben.  
 Q Is she married? A No.  
 Q Is she of age? A Lisben is the oldest of the girls and I expect she's about thirty; I think Meely is maybe twenty years old.  
 Q Has Cooksey any brothers or sisters dead who left children? A Just one brother died and left children.  
 Q What was his name? A Chubbee Vaughn.  
 Q How many children did he leave? A Two, I think.  
 Q Are they living now? A I don't know.  
 Q What's their mother's name? A I don't know.  
 Q Is she married now? A That's what I heard.  
 Q Who is she married to? A She is now the wife of Hus Willis.  
 Q About how old is the wife of Pink Bull? A About twenty three.  
 Q What's her name? A Ish-tah-he-mah.  
 Q Is she a full sister of John Vaughn? A Yes.  
 Q Her post office is Rio, Mississippi, isn't it? A Yes.  
 Q When was she married to Pink Bull? A About a month ago.  
 Q Pink was married before he married her, wa sn't he? A Yes, he was married to a woman living upon Bogue Chitto Creek in Neshoba County.  
 Q Do you know what her name was? A I don't know.  
 Q How long ~~after~~ before he married this last wife was ir that he separated from the other one? A Something over a year--may be two years.

The records of the Commission show that on the 31st day of May 1901, Pink Bull appeared before the Commission at Meridian, Mississippi, and made application for the identification of himself, and his wife, Emma, as Mississippi Choctaws, their names appearing upon M.C.C. Field No. R-2525. Since his appearance in May of last year he has married Ish-tah-he-mah Vaughn.

Q About how old is Meely Vaughn? A About twenty.  
 Q Is she a full sister of John Vaughn? A Yes.  
 Q With whom does she live? A With John Vaughn.  
 Q Her postoffice, then, is Toles, Mississippi, is it? A Yes.  
 Q Has she ever been married? A No.  
 Q About how old is Lisben? A About twenty six.  
 Q Is she a full sister of John Vaughn? A Yes.



4.

- Q Has she ever been married? A No.  
Q Has she any children living? A No.  
Q Has Meely any children living? A No.  
Q With whom does Lisben live? A Lives with John Vaughn.  
Q No application of any kind has ever been made to the Commission for Pink Bull's wife or Meeley or Lisben, has there? A No, not that I ever heard.

Cooksey Vaughn and his three sisters, referred to in the testimony in this case, are undoubtedly full blood Choctaws living in Kemper county, Mississippi. Cooksey was seen yesterday by the representatives of the Commission but refused to make any appearance. He has had knowledge of the presence of the Commission in Mississippi, but has always refused to appear before us, as have all of the other members of his family except John Vaughn. Adam Brokshoulder has the reputation of being thoroughly reliable and trustworthy.

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 10th, 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.

(Signed) Ira S. Niles.

Subscribed and sworn to before me this the 17th day of April, 1902; at Meridian, Mississippi.

(Signed) L. B. Moseley

(S E A L.)

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

By (Signed) J.P. Walker,  
Deputy.

-----oOo-----

Harry C Risteen, 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 for the identification of Cooksey Vaughn, et al., as Mississippi Choctaws, at Toles, Mississippi, on the 10th day of April, 1902, as appears upon the records of the Commission (Caption omitted and substituted).

*Harry C Risteen*

Subscribed and sworn to before me this 17th day of February, 1903

*Charles W. Sawyer*

Notary Public.

MERIDIAN, MISSISSIPPI, October 3, 1903.

Ish-ta-no-mah Bull,

Toles, Mississippi:

Dear Sir:-

It appears from the records of the Commission that on April 19, 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 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. 63--MCR 5216.

Special Agent.

Meridian, Mississippi, November 27, 1903.

Ish-ta-ho-mah Bull,

Rio, Mississippi.

Dear Madam-

Under date of October 3, 1903, the following letter was written to you, addressed to Toles, Mississippi:

It appears from the records of the Commission that on April 10, 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 83

Special Agent.

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

-oOo-

In the matter of the application for the identification of  
Ish-tah-he-mah Bull as a Mississippi Choctaw, M.C.R. 5216.

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

It does not appear from the records of the Commission that any application has ever been made for the identification of Ish-tah-he-mah Bull, 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 Cooksey Vaughn, et al., M.C.R. 5205, 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 Ish-tah-he-mah Bull as a Mississippi Choctaw should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

AUG 12 1904

  
Chairman.

M.C.R. 5216

Muskogee, Indian Territory, August 12, 1904.

Ish-tah-he-mah, Bull,  
Rio, 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, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

Incl. MCR 5216.

M.C.R. 5216

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, dismissing the application  
for identification as a Mississippi Choctaw of Ish-tah-he-mah Bull.

Respectfully,

Commissioner in Charge.

Incl. MCR 5216.

2002

No. 5216

For Identification as a Mississippi Choctaw.

Tales<sup>Miss</sup> Date APR 10 1902

Name Sh-tah-se man Bull

Age 23 Blood full

Post Office, Pio, Miss

Father: Jim Vaughn d

Mother: Un-ne me tim ah d

Claims through

(6) ... 5 ... ra.

Children:

044

Stenographer

J. S. Niles



Choctaw MCR 5217

Theodore R. Beard

See MCR #185

MCR 5217

Theodore Brand

CANCELLED

See MCR #185-

CANCELLED

this June 4, 1902. See letter  
of even date filed in  
MCR #185.

30P)

Miss. Choctaw R 186

Muskegee, Indian Territory, June 4, 1902.

Iqman P. Beard,  
Ravin, Indian Territory,

Dear Sir:

On April 17, 1902, receipt was acknowledged of the affidavits of Eudo M. Beard and F. J. Baum relative to the birth of Theodore R. Beard, born May 29, 1901, and evidently submitted as an application for the identification of this child as a Mississippi Choctaw.

It appears from these affidavits that this is the child of Iqman P. Beard who was an applicant to this Commission for identification as a Mississippi Choctaw.

You are advised in regard to the application of Iqman P. Beard that on March 3, 1902, the Commission, after a consideration of the evidence submitted in support of the said application, refused the same for the reason that there was no evidence offered in any manner tending to show that the applicants were entitled to identification as Mississippi Choctaws as the descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The only authority vested in the Commission to identify

L.F.P. 2

so-called Mississippi Choctaws is contained in a paragraph of the twenty-first section of the act of Congress of June 26, 1896, and is as follows:

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

The Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw Indians whose rights under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated, and this you have failed entirely to do.

On March 5, 1902, the record in this case was forwarded to the Secretary of the Interior for his review and on April 2, 1902, the Secretary of the Interior affirmed the decision of the Commission in this case, of which action you were advised on May 7, 1902.

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

L.F.R. 8

rights in the Chestaw lands under the provisions of the fourteenth article of the Chestaw treaty of 1830 and has this day made the application submitted by you a part of the record in the case of Lyman F. Beard, et al.

Yours truly,

(S)

Acting Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*IN RE*

*R* Application for Enrollment of

INFANT CHILD

*Theodore R. Beard*

as a citizen of

*Choctaw* Nation.

Approved

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW 190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
APR 17 1902

*[Signature]*  
ACTING CHAIRMAN

The within application has been accepted as evidence of the birth of the within named child. His father appears on M.C.R. 185, which is a part of the consolidated case of Alfred B. Beard, et al., M.C.R. 4001, and the application for this child will be considered in connection with that of his father, but is not to be considered as an application for his ENROLLMENT as a citizen of the Choctaw Nation.

*[Signature]*  
MISSISSIPPI CHOCTAW

*R-5217*

Commissioner,

20  
~~FOR IDENTIFICATION AS~~  
**A MISSISSIPPI CHOCTAW**  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Theodore R. Beard, born on the 29 day of May, 1901  
(Here insert name of child.)  
Name of Father: Lyman F. Beard citizen of the Choctaw Nation.  
Name of Mother: Ada M. Beard citizen of the \_\_\_\_\_ Nation.  
Post-office Barvia, I. T.

**AFFIDAVIT OF MOTHER.**

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

I, Ada M. Beard, on oath state that I am twenty two  
years of age and a citizen, by marriage, of the Choctaw Nation;  
that I am the lawful wife of Lyman F. Beard, who is a citizen, by  
birth right, of the Choctaw Nation; that a male child was  
(male or female)  
born to me on 29th day of May, 1901 that said child has been  
named Theodore R. Beard, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.) }

Subscribed and sworn to before me this 15th day of April, 1902

W. L. Neal  
NOTARY PUBLIC

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.**

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

I, F. L. Sauer, a physician, on oath state that I  
attended on Mrs. Ada M. Beard wife of Lyman F. Beard  
on the 29th day of May, 1901 that there was born to her on  
said date a male child; that said child is now living and is said to have been  
(male or female)  
named Theodore R. Beard.

WITNESSES TO MARK:

(Must be Two  
Witnesses.) }

Subscribed and sworn to before me this 14th day of April, 1902

W. L. Neal  
NOTARY PUBLIC

Choctaw MCR 5218

Amanda Roseman

MCR 5218



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

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In the matter of the application of Amanda Roseman,  
et al., for identification as Mississippi Choctaws, M.C.R. 9218.

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

|                                                                                                                                      | Page |
|--------------------------------------------------------------------------------------------------------------------------------------|------|
| Original application of Amanda Roseman, et al.,<br>before the Dawes Commission for identification as<br>Mississippi Choctaws.....    | 1    |
| Testimony of George W. Vann.....                                                                                                     | 7    |
| Testimony of Albert Pulson.....                                                                                                      | 12   |
| Decision of the Commission refusing the application<br>of Amanda Roseman, et al., for identification as<br>Mississippi Choctaws..... | 21   |

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 17, 1902.

5218

In the matter of the application of Amanda Roseman for the identification of herself and her two minor children, Annie and Sula Roseman, as Mississippi Choctaws.

S.W. Isaac, att'y for applicant.

Amanda Rose man being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Amanda Roseman.  
Q What is your age? A I don't know my age exactly.  
Q About how old? A I don't know; I was born before the War; my mother died.  
Q How large a girl were you at the time of the freedom or emancipation? A I don't know I was small; I was a chap before the war.  
Q well, were you three or four years old? You were not over age were you? A No sir; I was born before the War.  
A About five years old at the War? A I don't know exactly; you see my mother is dead.  
Q can't you give any idea of your age? You ought to give it within five or ten years. A About forty I guess, according to what my mother says; she died.  
Q Were you a baby in 1861 when the War broke out, do you remember.  
A No I wasn't any baby.  
Q Well, then, forty five would be about right, don't you think?  
A Well, I wouldn't say it exactly.  
Q Well, you say about forty then, do you? A --  
Q The war was forty one years ago; now say something. A Well, I guess about forty or forty one years old or something.  
Q What is your post office address? A Benge, Indian Territory.  
Q How long have you lived in Benge, Indian Territory? A I was born in the Territory.

Q Have you always lived in the Indian Territory? A No sir.

Q Where have you lived outside of the Territory? A I moved in the Cherokee with my grandfather.

Q What is in the Territory, is it not? A Yes sir.

Q Have you always lived in the Territory? A Sometimes I worked in Ft. Smith, Arkansas.

Q Have you been out of the Territory very much? A In and out; I lived in at my grandfather's.

Q You have been living in the Territory continuously how long? I mean continuously last past? A Long time; in and out.

Q Ten years? A More than that.

Q Is your father living? A No sir. Father is dead.

Q What was your father's name? A ---- I can tell my grandfather's name; I was so young I didn't know my father. (An outsider tells her that Fulsey was her mother.)

Q Give me your father's name if you can? A Old Fulse was my mother's my father's name.

Q Now give me your father's full name; George, John, Henry, or what? If you don't know, say so. -- (No answer).

Q Well, now, will you tell me what you want to put down as the name of your father and tell me quick. A Fulse.

Q F-u-l-s-e? A Yes sir.

Q Is that all the name you know? A Yes sir.

Q What was the name of your mother? A Annie Fulsom.

Q Was your father a white man or negro? A Some say he was a white man; part white man and part---

Q Have you got a drop of white blood in you? A Me?

Q Yes. A I don't know sir.

~~Q How much Choctaw blood do you claim? A My mother's half and half~~

Q Was Fulse, your father, a slave at any time? A I don't know whether he was a slave or not; I guess he was.

Q Where was he a slave? A In the Nation, I guess.

Q Do you know the name of his master? A --

Q Answer the question. A No sir, I don't know the name of his master.

Q Was your mother, Annie Fulsom a slave before the War? A It is so said.

Q Was she a negro? A Yes, part negro.

Q And part what? A Choctaw.

Q How much Choctaw blood did she have? A I don't know sir.

Q How much Choctaw blood do you claim? A My mother's half and half

Q Half negro and half Choctaw? A yes sir.

Q And you claim half of your mother; how much would that be?

A I don't know how much.

Q A quarter is a half of a half; is that what you claim? A Yes sir.

Q Well, now how much negro blood did your father have? A I don't know how much.

Q Was he a slave? A I don't know whether he was a slave or not; my father died when I was quite small- young.

Q He didn't have any Choctaw blood, did he? A No sir.

Q Through which parent do you claim your Choctaw blood? A My mother

Q How is it your mother was a slave and still has part Choctaw blood? Do you understand that? Can you explain it? You say she was half Choctaw; how did she become a slave? A I don't know whether she was a slave or not; I thought she was.

- Q Don't you know whether you were a slave before emancipation?  
A Me?  
Q Yes, don't you know that you were born a slave? A Yes, I was born a slave.  
Q Well, how could you be born a slave if your father wasn't and your mother wasn't? A All I know is that I was born before the War. I guess my father and mother was both slaves.  
Q You knew then, that both were slaves at one time? A Yes sir, if I was a slave they were compelled to be slaves.  
Q Was your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A My husband's named Tom Roseman.  
Q Is he living? A Yes sir.  
Q Negro? A Yes sir; he is half and half.  
Q What is the other half? A He says Choctaw.  
Q Negro and Choctaw? A He says his father was a Choctaw.  
Q Do you make any claim for your husband? A -  
Q Or are you claiming just for yourself and children? A I don't know: for my husband, I guess.  
Q Do you know that he is a Choctaw? A I don't know; I guess I claim for myself and children.  
Q How many children have you under twenty one years of age and unmarried whom you want to make application for? A Two children.  
Q What is the name of the oldest? A Annie Roseman.  
Q How old is she? A She is seventeen.  
Q Any other children? A Just one more; I don't know the age of the next.  
Q What is the name of the next child? A Sula Roseman.  
Q How old is Sula? A Along about fifteen.  
Q That's all the children you have? A That's all.  
Q These are both girls are they? A Yes sir.  
Q Is Tom Roseman 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 you legally married by a minister? A Yes sir.  
Q Were either of you married before you married each other? A No sir.  
Q Is your name or the names of your children on any of the tribal of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, that is, the Dawes Commission, under the act of Congress of June 10, 1896? A No sir; this is the first time.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I guess I do.

Q I guess you don't. I guess you never heard of it unless your lawyer has possibly explained it to you a little. Do you know what that article is? A No sir.

Q Do you know what a treaty is? A Not exactly.

Q Don't know whether it is a horse or a house? A I know it aint a horse or a house.

Q Do you know whether it is a contract in writing between anybody or not? A Yes sir.

Q Who is it made between? Two or more people? A I guess so; yes sir.

Q It is made between two or more Nations instead of people; now, if you don't understand anything why don't you say you don't understand;- if you don't know anything, why don't you say you don't know, and then these things you don't understand will be explained to you. A treaty is a contract in writing or a compact in writing made between two or more Nations; it differs from an ordinary treaty in writing which is usually made between two or more people or corporations or companies or partnerships; it is called a treaty because made between Nations and signed by the representatives of these Nations. such a treaty as that 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 of that year, 1830; and this treaty was made at that time for the purpose of the removal as far as practicable 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, 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. An article in a treaty is one of its subdivisions- numerical subdivisions. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

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

Q Do you think any of your ancestors, if they had Choctaw blood, complied or attempted to comply with any of the provisions of that article of that treaty? A I don't know sir.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Do you know what I mean by ancestor? A No sir.

Q I mean your kin folks back to your father or mother or grandfather or grandmother or great grandfather or great grandmother, any one of your kin folks in a direct line back, from whom you are descended?

Q Now, do you claim through a grandfather or-- A I claim a grandfather.

Q What is your grandfather's name? A George Van is my stepfather.  
Q I don't want any step father; who is your Choctaw ancestor through whom and from whom you claim your Choctaw blood? A I claim from my mother.  
Q Don't you think you will have to go back farther than your mother?  
A I can't go back any farther cause I don't know.  
Q What was your mother's name? Annie Fulson? A Yes sir.  
Q She is dead, is she? A Yes sir.  
Q How old would she be if living now? A I don't know I was too young to know my mother's age.  
Q It is a very rare thing for us to get an applicant before the Commission where the applicant does not know the names of her parents, especially that parent from whom she is claiming her right to identification and her interests to lands in the Choctaw Nation.  
A I don't know her age.  
Q when did she die? A When I was small.  
Q About how old were you when she died? A I don't know; I was small  
Q Were you 5 or 10 or fifteen or 20 years old? A U don't know that; in them days mother and them didn't tell us our age.  
Q How long ago did she die? A Ever since I can remember.  
Q Was she an old woman when she died? A Yes sir.  
Q Did she live in 1830-- 72 years ago? A Well, she has been dead ever since I can remember.  
Q How much Choctaw blood did she have? A She had one half; she was half and half.  
Q Half negro and half Choctaw? A Yes sir.  
Q Who told you so? A I have always known her  
Q Who told you that? A People who are not here told me so.  
Q Who were they? A I don't know now; they are dead.  
Q How do you know they are dead if you don't know who they are?  
A I heard they were dead.  
Q Were they white people or colored people? A Colored people.  
Q Don't you know the names of any of them? A No sir.  
Q You don't know when your mother was born?--Answer the question.  
A I don't know sir.  
Q Do you know where she was born? A She was born in--- in the Territories.  
Q Did she ever live in Mississippi? A Not as I know of.  
Q Did she ever live in Alabama? A I never heard tell of her; she always lived in the Nation.  
Q How much Choctaw blood did your mother's parents have? A --  
Q Do you know? Father or mother- A I don't know how much.  
Q If your mother had half Choctaw blood, she got it from somebody.  
A Well, through her father.  
Q What was her father's name? A Fulson.  
Q Do you know his first name or Christianname? A No sir; I don't know his first name.  
Q Did he ever live in Mississippi; your grandfather Fulson? A Not as I know of; I never heard tell of him living in Mississippi.  
Q Was he a slave? A I don't know sir.  
Q Don't you know whether he was or not; didn't you ever hear that your grandfather fulson, your mother's father was a slave? It wont do you any good to conceal the truth. A I am not trying to conceal the truth.

- Q Well, you tell me now; answer the question; did you ever hear that your grandfather, Fulson, your mother's father was a slave at any time? A No sir; I never did.
- Q Where was he born? A In the Territory.
- Q Where did he die? A In the Territory.
- Q Have you the slightest idea how old he would be now? A No sir.
- Q Did he ever live in Mississippi or Alabama? A I don't know anything about that.
- Q Do you get your Choctaw blood from him through your mother? A Through my mother I guess.
- Q And from him, Fulson? A Yes sir.
- Q Did you ever hear that any Choctaw ancestors of yours lived in the State of Mississippi or Alabama in the old Choctaw Nation? A No sir; I never heard.
- Q Never heard that any of them lived there in 1830 and were heads of families there then? A I never heard.
- Q How do you expect to prove your right to be identified as a Mississippi Choctaw when you have no knowledge whatever that any ancestor of yours having Choctaw blood lived in the old Choctaw Nation in Mississippi or Alabama; how do you expect it? A --
- Q In what way do you expect to get an interest in lands in the Choctaw Nation, Indian Territory, if you are not able to prove even that; have you the slightest idea? A I have got witnesses.
- Q You expect to prove it by somebody else then? But you yourself never heard from your father or mother or any other relative, from any kin, that you are descended from, that any of your kin have lived in the old Choctaw Nation, East of the Mississippi River? A I have always heard that they was raised in the Territory.
- Q But not East of the Mississippi River- over there in Mississippi or Alabama? A I never heard of that.
- Q Did any of your Choctaw ancestors ever own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I guess my mother's husband did.
- Q That is your father, is it? And he lived in Mississippi? A I didn't say he lived there.
- Q Did he own any improvements on land in Mississippi? 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, whose name was Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? Ever heard of that? A No 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 ever own any land or claim any land or any benefits of any kind in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? I don't know; I never heard of none; never heard anything.

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 refusing to come to the Choctaw Nation, Indian Territory, with the other Indians, were obliged 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 that treaty was ratified and tell him that they wanted to remain 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 upon his register or list known as Ward's Register. His failure to do so caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the Government and sold at its Public Land Sale. This caused so many complaints among the Choctaw Indians and especially among those that lost their land that Congress appointed a Commission in 1837 by act approved March 3, that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to the State of Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your kin folks, your ancestors, go before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A Not as I know of.

Q Did any of your Choctaw ancestors receive scrip or certificates which were legal papers from the Government ~~showing rights of land~~ under the Act of Congress approved August 23, 1842, which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly owned in Mississippi in the old Choctaw Nation and which the Government had taken from them and sold? A Not as I know of.

Q Have you any kin folks who have been before the Commission before you to be identified as Mississippi Choctaws? A No sir.

Q Have you any other relatives- any other evidence or any witnesses you want to call now before the Commission in support of this claim?

A Yes, this man over here.

Q What relation to you is he? A Yes, my step-father

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

Q Don't know anything about that language, do you? A I can't speak Choctaw..

Q Can you understand it? A Yes, some words.

Q What words do you understand? A Well--

Q Do you know-- Tookaloosa and Chuffah? A No.

Q You don't understand Choctaw do you? A I don't understand it the language and I can't talk it.

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

Q Do you want any time in which to introduce further testimony or evidence? (Attorney for applicant says "Yes".)

Q About how long? A Fifteen days probably.

Fifteen days allowed this applicant on request of her attorney, S.W. Isaac, in which to offer further testimony if she desires in support of her case.

(George W. Vann being called and sworn testified as follows:)

Q What is your name? A George W. Vann



- Q Are you an applicant for identification as a Mississippi Choctaw?  
A No sir, I aint made no application; I am Cherokee Freedman.  
Q You are on those rolls are you? A Yes sir.  
Q Where do you live? A In Sequoyo District, near Ft. Smith.  
Q In the Cherokee Nation? A Yes sir.  
Q How old are you? A I was 87 the 22nd day of last December.  
Q What is your post office address? A Bengo, Indian Territory.  
Q What is your present occupation? A Preacher; I have farmed;  
preaching and doctoring; I have two plantations down near Ft. Smith.  
Q Where did you get your diploma to preach? A From the Baptist  
Church.  
Q Where did you get your diploma to practice medicine? A Out in the  
Cherokee Nation.  
Q Do you doctor horses? A Yes, and men too.  
Q Did you have to pay a license to preach? A No sir.  
Q Did you have to pay a license to practice medicine? A Never have  
in the Cherokee nation.  
Q What relation is Amanda Roseman to you? A Nothing only a step-  
daughter; no blood.  
Q What was your wife's name before you married her? A Her right  
name was Annie Narcissie; she got the name Fulsom from her uncle.  
Q He was white man, was he? A No sir.  
Q He was Choctaw? A I don't know, whether he owned her, but he  
lived with her.  
Q When did you marry her? A Well, it has been about near 60 years  
ago.  
Q Well, then what name was it she had? A Annie Fulsom when I mar-  
ried her I married her as that.  
Q Well, did she always keep that name down till she died? Well, she  
took my name till I changed it by marriage.  
Q Well, her name was what, then, after you married her? A Her name  
was Annie Narcissie Vann.  
Q I guess you didnt marry her before the War, did you? Say, did  
you marry her before she was a slave? A I don't know whether he owned  
her or was just staying with her.  
Q Do you remember when the war was? A I reckon I do.  
Q Were you married before the war or after? A Before.  
Q Who was the father of this woman who made application, Annie Rose-  
man? A She has told me- my wife- after I married her, that one of  
the young Fulsoms, one of the old man's boys was the Daddy of this  
girl.  
Q Was she living at the time you married- this Annie Roseman?  
A Yes sir.  
Q About how old do you think this applicant is? A She must be  
about fifty years old; I just think that.  
Q She says about forty. A She don't know nothing about that.  
Q How much Choctaw blood has she? A Her mother was half.  
Q And she would be a quarter then? A Well, of course.  
Q Well, now, she didn't seem to know much about her Choctaw par-  
entage? A She don't know nothing.  
Q What do you know about her mother living in Mississippi or any  
of her relatives? A I know that her old granddaddy come from Miss-  
issippi when he died.

- Q You came from Mississippi? A Yes, I am a Cherokee; I come from right on the line.
- Q Do you come from the Mississippi side? A No sir.
- Q Did she? A Yes, her mother did. That woman was born here.
- Q Do you know what County in Mississippi her mother came from?
- A Bontitoc.
- Q There is a Pontotoc-- A Well, that's something near the name.
- Q How old was her mother when she died? A I never did know her age
- Q but she was a old woman? A Not so very; I was older than her.
- Q When did she die? A Several years before the war; I can't tell exactly.
- Q About ten or 11 years before? A More than that.
- Q Fifteen years before the War? A I don't exactly know that.
- Q Between ten and fifteen years before the war? A Yes, more than ten.
- Q Well, say then she died about 1848; how old was she when she died? do you think? A Well, really I never knew her age. She looked like she was middle age woman.
- Q Forty years old? A I think older than 50 or 55 when she died.
- Q Was she 60 do you think? A Yes sir.
- Q About sixty? A Yes, may be more.
- Q Well, then the mother of this applicant who is only forty or fifty years old was born in 1788-- A I mean I don't know her age; I know she come here with Henry Fulson from the old Nation, and I don't know her age and she don't know her age.
- Q I guess you will have to say that you don't know anything about her age. A I do say that.
- Q Did her mother or any of her Choctaw ancestors live in Mississippi in 1830? A Seventy two years ago? A About '36 if what has been related to me by her that one of the Fulson's sons was the father of this girl. Fulson come away from there about '36 with Henry Fulson and this girl was not borned; Henry Fulson emigrated here to this country and I have known her ever since; he died at Doaksville, and he aint been back for I have seen him.
- Q Then you cannot tell if any of her ancestors lived back there in 1830 and was the head of a family then? A I can; they come here in '36 I reckon; the Choctaws, the Fulsons and Leflores; they all come here.
- Q Who is this Leflore who came in that crowd? A Camel Leflore.
- Q How was he related to Greenwood Leflore? A Yes, they was some kin.
- Q Did Greenwood Leflore come to this country? A Yes, I think he come with them; I am not certain; I knowed them in the old country.
- Q Was Greenwood Leflore a chief? A Seems to me they called him Governor.
- Q Greenwood Leflore was a chief and his blood was half French and half Choctaw.
- Q Well, they called him Governor.
- Q Well, now are you sure he came to the Indian Territory? A I am not sure; I know Camel did, cause he lives right close to Ft. Smith now.
- Q Do you know whether any of the ancestors of Amanda Roseman complied or attempted to comply with the provisions of article four teen of the treaty of 1830? A I don't sir.

Q Do you know whether any of the ancestors of Amanda Roseman received any land or claimed any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know; I think they just came right here and took land here.

In 1837 a Commission was appointed by Congress under act approved March 3, that year, to go to the State of Mississippi and hear claimants under article fourteen of that treaty; in 1842 another Commission was appointed for the same purpose under act approved August 23, 1842; and these Commissions made list of those Indians who came before them: they were appointed by Congress at the request and on the complaint of Choctaw Indians living in the old Choctaw Nation after the treaty of 1830 was ratified who claimed they had gone to Col. Ward, the Indian agent within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen but that Col. Ward had refused to register their names and for this reason their land was taken from them in Mississippi, and that was why these Commissions were appointed in 1837 and 1842.

Q Do you know whether any of the Choctaw ancestors of this applicant Amanda Roseman went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't know.

Q Did any of these Choctaw ancestors of hers receive any scrip which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which the Government had taken from them in Mississippi-- A I don't think they did for they were here in '36.

Q They could not have done it? A No sir; for I know they was here.

(To attorney:)

Q Is there anything more you want to ask them? A I believe that's all.

(Witness excused)

This applicant, Amanda Roseman, has the appearance and physical characteristics and especially the manner of being descended from African parentage; there is nothing in her manner or appearance that would lead the Commission to infer that she had other than negro blood: she does not understand or speak 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.

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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 abovesentitled cause on April 17, 1902,  
and that this is a full, true and correct transcript of his steno-  
graphic notes in said cause on said date.

*Henry B. Hains*

Subscribed and sworn to before me this 23rd day of April, 1902.

*Wm Mitchell Wood*

Notary Public.

Department of the Interior.  
 Commission to the Five Civilized Tribes.  
 Muskogee, Indian Territory, July 31, 1902.

In the matter of the application of Amanda Roseman et al.,  
 for identification as Mississippi Choctaws.

Albert Fulson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A My name is Albert Fulson.
- Q How old are you? A About ninety years old.
- Q Where were you born? A On the line of Alabama and Mississippi; between Alabama and Vicksburg.
- Q What's your post office address? A My post office address now is Fort Smith Arkansas, now. I works between the Choctaw Nation -- once in a while in the Choctaw Nation and then at Fort Smith where ever I can get work but I live on the line of the Choctaw Nation and Poteau.
- Q What's your occupation? A Working with a doctor sir, in his house.
- Q Were you a slave? A No sir; I was a slave for this Mr Fulson once and then before the war I was a carpenter and bought myself from Mr. Fulson before the war and then come to be a free man and when I moved from there I moved to Pontotoc County; lived on the line of Mississippi and Alabama then I moved up in Pontotoc County.
- Q When did you come to the Indian Territory? A Why it's been so long and then I'm forgetful but I been here a long time.
- Q Did you go out with the Indians when they moved out west?  
 A Yes sir.
- Q The Chickasaws or Choctaws? A The Choctaws.
- Q Did you come out here when they first began to remove the Choctaws to this country? A No sir I stopped in Pontotoc a year or two.
- Q You come out with the first Indians that come west? A Yes sir? A Yes sir.
- Q How old was you at that time? A I was a young man grown; I dont know just exactly how old.
- Q Are you acquainted with Amanda Roseman? A Yes sir.
- Q Where does she live? A On the edge of Poteau.
- Q In the Choctaw Nation? A Yessir.
- Q How long have you know her? A All her life.
- Q About how old is she? A Well she's about thirty some odd. Yes sir; as near as I can come at it; as near as I can recollect her age.
- Q Was she born before or after the war? A After the war.
- Q Where has she lived during her life time? A Why she's lived ever here in the Choctaw Nation.
- Q All her life? A No sir backwards and forwards to Fort Smith; there right on the line.
- Q What was her mother's name? A Her mother was named Narcissa.
- Q Was she a slave? A I think she was; she belonged to the same man I did.
- Q Did she have any Choctaw blood? A She seemed to be - she was a half breed - looked to me like and I've heard others say she was half breed.

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- Q Was she older or younger than you? A She and me was young folks together- along about that time; nearly the same age.
- Q Where was she born - Narcissa? A Down on the same plantation where I was - way down between Alabama and Mississippi. On the line.
- Q When did she move out west? A About the same time the Indians came west.
- Q Did she belong to an Indians? A Yes sir; she belonged to Peter Fulson.
- Q Do you know the name of her mother? A No sir I dont know the name of her mother.
- Q Did you know her mother? A No sir.
- Q Never saw her? A I didn't see her but I hear most of people say she was full blood Indian - her mother was.
- Q Do you know the name of Narcissa's father? A No sir never did know her father at all.
- Q Do you know the name of Amanda Roseman's father? A No sir. But I often heard that she was half Choctaw.
- Q You dont know whether her father had any Choctaw blood or not?
- A Yes sir; there was Mr. Fulson; the man that owned me; they were Choctaws you understand; they were full blood Choctaws.
- Q Who was Amanda's father; what was his name? A Well I cant tell just exactly who it was.
- Q You dont know who her father was? A No sir I dont know just who her father was.
- Q You say you think Amanda has as much as one half Choctaw blood? A The old lady.
- Q That was her mother? A Her mother.
- Q Did you remember when the treaty of Dancing Rabbit Creek was made? A Yes sir.
- Q Where is Dancing Rabbit Creek? A Dancing Rabbit Creek; why I dont know sir just exactly where that is; I never did know.
- Q Well is it in Mississippi or in the Choctaw Nation? A Why I never was at it just exactly but I've often hear that it was in the Choctaw Nation.
- Q Indian territory? A Yessir indian territory.
- Q When did you hear that Dancing Rabbit Creek was in the Choctaw Nation Indian territory? A O, well it 's been a long time since.
- Q But it's always been your understanding that it was in the Indian Territory? A Yes sir; that's been my understanding I never was at it though.
- Q Where was that treaty of Dancing Rabbit Creek made; do you know? A No sir I dont.
- Q But you are quite sure you have heard of it? A Yes sir; I've heard of it.
- Q Do you know how old you were when that treaty was made?
- A No sir I cant just exactly tell. I'm now ninety years old but I dont know just how old I was at that time.
- Q About how long ago was it you think the treaty was made?
- A I think it's been as near as I know any thing about it it's been sixty or seventy five years ago or more...
- Q Where were you living when that treaty was made? A In the Choctaw Nation.
- Q Indian Territory? A Yes sir.
- Q How long had you been living there when the treaty was made; the treaty of Dancing Rabbit Creek.
- A In Pontotoc?
- Q Do you mean Pontotoc County Mississippi? Is that where you were living when the treaty was made? A That's where I moved from when I moved over here in the Choctaw Nation I hear of it.
- Q You didn't hear about the treaty until after you got out here

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- here to the Indian territory? A No sir.
- Q Where were you living when this treaty was made? A I was living in the Choctaw nation on Red River.
- Q How long had you been living out there? A About thirty or thirty five years.
- Q Do you know who made that treaty of Dancing Rabbit creek?
- A No sir I do not.

This treaty of Dancing Rabbit Creek was entered into about seventy two years ago in 1830 on the 27th day of September back in the old Choctaw nation in Mississippi and Alabama at a place called Dancing Rabbit Creek, between the government of the United States and the Choctaw Indians; at the time this treaty was made the Choctaw Indians lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get these Indians to remove from the country occupied by them 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 and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian territory; at the time this treaty was made some of these Indians were unwilling to leave the old nation and for the benefit of those who preferred to stay back there what is known as the fourteenth article was put into the treaty.

- Q Did you ever hear of that fourteenth article before?
- A Yes sir many a time.
- Q When did you hear of it? A Years ago.
- Q Do you understand it? A No sir; I dont understand it. Never did understand what it meant.
- Q You know what a treaty is dont you? A I dont know as I do because I'll tell you, I'm ignorant, cant read nor write.
- Q If you enter into an agreement with a man you call that a contract dont you? A That's right; I know that.
- Q Nations and Indian tribes and the government of the United States make contracts too but they are sometimes called treaties; so this was just an agreement between the government of the United States and the Choctaw Indians and it was written down and signed by the representatives of the Choctaws and the United States, and that treaty is divided into different parts; those parts or paragraphs are called articles; now this fourteenth article -- they were numbered up from one up to the last one -- and this fourteenth article provided for the Indians who stayed back in the old nation; I will quote it to you just as it was put into the treaty seventy two years ago.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted 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

Albert Polson--4.

in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not 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 fourteenth article now?

A Well I understand some of it sir. But I can't keep it all in my remembrance.

In case a Choctaw who might have been living back there seventy two years ago when this treaty was made decided that he wanted to stay there and become a citizen of the states he had the right to do so under this fourteenth article and had the right to take land there upon certain conditions; he was required within six months from the time the treaty was made to let the agent of the government in Mississippi for the Choctaws know that he wanted to stay there become a citizen of the states and take land; he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child which was living with him over ten years of age and a quarter section for such child as might be under ten years of age; if these Indians lived on that land intending to become citizens of the states for five years from the time this treaty was ratified they were entitled to a grant in fee simple for the land; that is the government would give them a title in fee simple which would enable them to dispose of the land at their pleasure.

Q That's the meaning of it.

A That's the meaning of the fourteenth article; I have explained that fully to you; do you know whether any of the forefathers of Amanda Roseman complied with its provisions-- did that fourteenth article require them to do or ever received any benefits thereunder or not? A I remember when she went before this board to get her rights; of course they drove her away; I went with her at that time because we both were young people together and she went before the board to ask for those rights and they drove her off and she got disgusted and went away.

Q Where was that? A In Pontotoc County Mississippi.

Q Near what town? A Pontotoc is the county seat now in Mississippi of that county.

Q What one of the ancestors of this applicant Amanda was it that went before this board you say? A The old lady.

Q Her mother.

A Her mother.

Q Narcissa? A Narcissa.

Q How old were you? A I was a young man; I was about twenty one or two years old.

Q Did she have any children living at that time? A No sir; she had none that I knowed of.

Q Did she have an Indian name? A Yes sir.

Q What was her Indian name? A It was Polson. She belonged to the same name I did.

Q Did she have any other name; an Indian name? A Why this Polson was Indian; that's all the name she had.



- Q When you went over there with her did you go before one man or were there a number of men. A There wasn't so many there at that time.
- Q How many were there? A About two.
- Q Do you know their names? A No sir I dont know their names; I was young and didn't take no great deal of notice about those things because I went with her at that time and I never paid much attention to things of that kind.
- Q What did she go for? A She went over to get her rights providing she could do it and she couldn't get them; they drove her off; she become disgusted..
- Q Who drove her off? A These men that were on the board and she had to come before them just like we come before you.
- Q How did they drive her off? A Told her to go away; she couldn't get no rights there; she wanted her rights.
- Q Were they white men? A Yes sir they were white men; they must have been Indians or something I dont know whether they was Indians or what.
- Q You dont know whether they were white men or Indians?
- A No sir I dont.
- Q You dont know whether she went there to make a claim under the fourteenth article of the treaty of Dancing Rabbit Creek do you? A No sir I dont know nothing about that part of it but I know she went there to get her rights.
- Q She was a slave at that time? A Yes sir had been a slave.
- Q Wasn't she a slave at that time? A Yes sir.
- Q Did she own any improvement down there at that time?
- A No sir.
- Q How long after you went before this board was it that you moved out to the new nation? A Well after I come from down on the line of Mississippi and Alabama and moved up in Pontotoc county; I stayed up in Pontotoc County seven years before I moved from there.
- Q How long was it after you and Narcissa went before this board that she and you moved out went to the new nation here in Indian Territory? A Well I dont know just exactly but it was a right smart while; I think it was about thirty years; somewhere close about it.
- Q Your owners br ought you both out here didn't they? A Over here to the Choctaw Nation?
- Q Yes brought you from Mississippi here? A Yes of course.
- Q Did Narcissa ever get any land back there in the old Nation from the government? A No sir.
- Q Did she ever draw any money from the government as an Indian?
- A Not that I know of..
- Q Never was recognized as a citizen of the tribe? A Not in my recollection..
- Q Who else did you see there before the board when you and Narcissa went over there? A I dont know sir; I seen several but I dont know.
- Q Were they red men or black men? A Some was black and some red men and white men or something I dont know what nation they was.
- Q Can you remember the name of any that you saw there.
- A Cant remember the name of no person except Narcissa and the man I belonged to..
- Q He was there was he? A No sir.
- Q Not before the board there? A No sir.
- Q What time of the year was it? A I dont know; I didn't take no particular account of it..

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent there in Mississippi by the name of Colonel William Ward-- did you ever hear of him? A No sir not to my recollection.

He was the government Indian agent there at that time, a white man; the government directed him to register the names of all the Choctaws who wanted to stay back there in the old nation take land from the government and become a citizen of the states; the records of the government show that this agent Colonel Ward failed to register and report to the government the names of a great many of those Indians who did in fact let him know they wanted to stay there and take land and become citizens of the states 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 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 the fourteenth article of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard the a great many of these Choctaw cases.

- Q Did Narcissa appear before any of those Commissioners and attempt to establish her rights under the fourteenth article?  
A I dont know sir; I know she appeared before some but who they were I cant tell.  
Q You dont know of her making but one appearance do you?  
A Never made but one appearance to my recollection .  
Q Do you know-- would you remember the names of the men you went before if I would pronounce them? A No sir; I didnt hear the names at all.

An act of Congress approved August 25, 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 land and should be given a certificate to that effect; these certificates were called scrip.

A Yes sir.

- Q Did you ever hear of such a thing as scrip before? A I've heard of such a thing but on a different article

Albert Fulson—7.

articles.

- Q Do you know whether Narcissa ever got any of this scrip from the government issued under this act of Congress?  
A No sir I dont know; I cant tell you; didn't get none there to my memory.  
Q If she ever received any benefits as a Choctaw you never heard of it? A No sir never did.  
Q She was not a recognized member of the tribe then in 1850 was she? A No sir; not that I know of.  
Q She wasn't recognized by them; she was a slave and couldn't have been a recognized member of the tribe? A No sir; she couldn't; not at that time.  
Q You dont know of anyone living who would likely know are about this matter than you do? A No sir I'm about as old as any of them I reckon; all them older than I was is dead I expect.  
Q What are you getting for testifying here today? A I aint getting a thing; not a nickel.  
Q Has Amanda any children living? A Has two.  
Q What are their names? A Julia and one, I forget her name.  
Q Was Narcissa ever known as Narcissa Van? A Yes; she's that man's wife right back there; Mr Van.  
Q Did she ever have any other name besides Narcissa.  
A If she did, dont know it.  
Q You never heard her called Anna did you? A Anna Narcissa - yes sir I believe I did but they called her Narcissa pretty well all the time. They didn't make use of that Anna much.

Examination by S.W. Isaacs, Attorney.

- Q You state that you lived in the old Choctaw Nation in Mississippi? A Yes sir.  
Q What county was it you lived in back there? A Pontotoc.  
Q What was the county seat of that county? A Pontotoc.  
Q Do you know what year you came from the old Choctaw Nation to the Indian Territory out here. A It slipped my memory.  
Q You dont know what year - thirty or forty or forty six.  
A I think it's thirty-six.  
Q How come you to think it's thirty-six? A Well just as I remembered it; but it slipped my memory, but as near as I can come at it it's thirty six.  
Q You dont think it's forty six? A No.  
Q Who came with you when you came away from Pontotoc to Indian Territory? A Why when I came from there my old owners came too.  
Q To whom did you belong as a slave? A Let's see; I forget his name a ready.  
Q Was he a white man or Indian? A Indian.  
Q You belonged to an Indian then? A Yes sir.  
Q Was his name Fulson? A Yes sir; Fulson; that's my name too but thinking over other things it sometimes slips my memory.  
Q Was Narcissa, Amanda Roseman's mother any relation to the Fulsons; the Indian family Fulson.  
A She belonged to the Fulson and I always understood they was some relation but to know it I dont know it.  
Q You said that she was a slave? A Yes sir; she belonged to the

- Indians, the same man that owned me owned her and he was a Fulson.
- Q Was she recognized by the Indians as having Indian blood in her? A Not that I know of; was't recognized by them as I know of; if she was recognized I don't know it.
- Q Why did she and you go to some place where some board was sitting to get land there-- didn't you a state to the Commission a while ago that she and you went somewhere to obtain rights under the fourteenth article? A Yes sir Pontotoc.
- Q Why did she go there? A Well because that was the only place she could go to I suppose.
- Q Do you know anything about Dancing Rabbit Creek? A No sir; don't know anything about Dancing Rabbit Creek.
- Q You state to the Commission a while ago didn't you that Dancing Rabbit Creek was in the Indian Territory? A Yes sir I told him it was in the Indian territory but still I didn't just exactly know; I had heard of it but to know-- I didn't.
- Q You don't know anything about it? Had told me too but I done forgot it already. Done forgot where it was and what it was.
- Q When it comes to knowing about the fourteenth article of the treaty of 1830 you don't know anything about that treaty and that fourteenth article; you don't know anything about it. A No sir; it was in '66 wasn't it.
- Q About how old was Narcissa, this woman Amanda Roseman's mother at the time you all left and come to the territory?
- A I don't know.
- Q Was she about grown? A Yes sir she was about grown.
- Q Did you ever hear tell of her at the time you went with her to this place going to see if she could get benefits and rights as an Indian? A And there with her.
- Q Yes the time the Indians were required to go to some place and tell the agent or person before whom they appeared that they wanted to remain there and take land; was that the time? A That was about the time.
- Q You can't read nor write? A No sir.
- Q Don't know anything about figures and dates? A No sir.
- Q But at the time she went before this board as you term it she was living at Pontotoc County Mississippi? A Yes sir.
- Q And other Indians were required to do the same thing according to your understanding? A Yes sir.
- Q Did she remain a slave after she came out here; did she ever make any efforts to purchase her freedom? A No sir; never did that I know of.
- Q She only make one appearance then to be recognized as a member of the Choctaw tribe of Indians in the old nation in Mississippi? A The only one that I know of sir.
- Q You don't know whether that was during the summer or spring of '51 or not? A No sir I can't recollect just exactly.
- Q You all left about what year-- I fit the state of Mississippi?
- A O I don't know; it was in '69 or '66 somewhere along about there.
- Q Did you leave after the war? A Left there before the war.
- Q About how long before the war did you leave Mississippi?
- A O, I don't know.
- Q Have no idea? A No sir; I never had kept no record of those things at all.
- Q Mrs Roseman requested you to come and testify in her case?
- A Yessir she did.
- Q She didn't pay you anything to come and testify? A Not a nickel in God's world; not a thing.
- Q Where does Amanda Roseman live? A In the Choctaw Nation.

Albert Fulcom--9.

Examination by the Commission:

- Q Are you interested in any way in the result of Amanda's application? A No sir; none in the world. Have no interest about it.
- Q No kin to her? A No sir; no kin to her at all.

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This witness is a negro of average intelligence.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 31st day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 15 day of August 1902.

*Bruce C Jones*  
Notary Public.

Handwritten initials and "Cov." in the left margin.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Amanda Roseman,  
et al., for identification as Mississippi Choctaws, K.C.R. 5218.

--: 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  
Amanda Roseman for herself and her two minor children, Annie and Sula  
Roseman, 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 conclud-  
ed September twenty-seventh, eighteen hundred and thirty,  
and 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 ----- Fulson, who is alleged to have been a Choctaw Indian (degree of blood not stated).

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

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

(3).

Amanda Roseman, Annie Roseman and Bula Roseman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

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

SIGNED:

*F. E. Woodcock.*  
\_\_\_\_\_

Commissioner.

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

Muskegee, Indian Territory,

OCT 13 1902



COPY

S.C.R. 5218.

Muskogee, Indian Territory October 18, 1902.

Amanda Roseman,

Wetumpka, Indian Territory.

Dear Madam:

You are hereby advised that on the 18th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amanda Roseman, 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 Amanda Roseman, Annie Roseman and Sula Roseman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered:

You are further advised that 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

A R-2

to the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5218.

Muskogee, Indian Territory October 18, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amanda Roseman, 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 Amanda Roseman, Annie Roseman and Sula Roseman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the 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

H M & C - 2

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory October 16, 1902.

S. W. TAYLOR,  
Attorney at Law.  
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 16th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amunda Roseman, et al., applicants for identification as Choctaw Indians.

This application was made under the provision of the act of Congress of June 25, 1897 (30 Stat., 480) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amunda Roseman, Annie Roseman and Sula Roseman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the 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

S W I - 2

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Amanda Roseman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the principal applicant in this case, 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,

*Samuel D. Kirby*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M C R 5218.

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

67792-1902

Washington,

January 31, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Amanda Roseman, for herself and two children Annie and Sula Roseman, wherein a decision adverse to the applicants was rendered on October 18, 1902.

It is shown by the testimony in this case that the applicants base their claim to identification as Mississippi Choctaws on the ground that they are descendants of one Fulson, given name not known.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that any one by the name of Fulson ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that the name of Fulson does not appear among the list of



-2-

these Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner

E. B. H. H'r

C O P Y

D.C. 4571

DEPARTMENT OF THE INTERIOR  
WASHINGTON

EAF

I.T.D. 1052-1903

February 11, 1903

IRS

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

Gentlemen:-

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Amanda Roseman and her minor children, Annie and Sula Roseman, including your decision of October 18, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of .....Fulson, who is alleged to have been a Choctaw Indian.

The records fail to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Fulson, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 ( 5 Stat. 513).

Reporting January 31, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has carefully considered the record and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 inclosure.

M.C.R. 5218

Muskogee, Indian Territory, February 24, 1903.

Amanda Roseman,  
Benge, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Amanda Roseman, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*James B. Bledsoe.*  
Chairman.

M.C.R. 5218

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Amanda Roseman, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

Chairman.

M.C.R. 5218

Muskogee, Indian Territory, February 24, 1903.

S. W. Isaacs,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chocotaws of the several persons included in the case of Amanda Roseman, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*[Handwritten signature]*

Chairman.

M C R 5218

Muskogee, Indian Territory, September 27, 1904.

Amanda Roseman,  
#8 Daisy Street,  
Hot Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter without date, 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 February 11, 1903, the Secretary of the Interior approved the decision of the Commission of October 18, 1902 refusing the application made by you for the identification of yourself and two minor children as Mississippi Choctaws, of which departmental action you were duly notified on February 24, 1903.

The Commission now considers your case closed and it is not believed that you and your two minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

JD

Chairman.

No. 5218

For Identification as a Mississippi Choctaw.

Date Aug 17 1902

Name Amanda Roseman

Age about 40 Blood 7/4

Post Office, Berge, D. T.

Father; — Julie — d

Mother: Annie Fulcom, d  
(or Annie Narcissie Vann)

Claims through Mother  
Husband Tom Roseman, l. neg.  
and choe.

No claim for  
husband.

Children:

Annie Roseman, 17  
Sula " 15

Claims for self  
and children —

Stenographer K. G. Harris



April, 25, 1902

Received of Commission  
To Five Tribes one copy  
of testimony of Amanda  
Roseman, of April, 17, 1902,  
Miss. Chotaw applicant  
S. W. Love

M. O. A. # 5218.

No. 3220

For Identification as a Mississippi Choctaw.

Date

July 11 1902

Name Amanda Roseman

Age

Blood

Post-Office.

Father:

Mother:

Claims through

Additional testimony of Albert Folsom.

Children:

Stenographer

Clara M. Wood.

Received of The Commission to the Five  
Civilized Tribes one copy of the testimony of  
Albert Fulson, taken July 31, 1902 in the matter  
of the application of Annanda Roseman <sup>et al</sup> for  
identification as Mississippi Choctaws

J. W. Isaac

Muskogee, D. T.

October 31, 1902

OCT 31 1904

Received of Commission to Five Tribes One  
Copy of Decision in MCR 5218  
Amanda Roseman et al

S. W. Isaac

Choctaw MCR 5219

Jesse D. Horton

MCR 5219



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Enrollment as Citizens of the Choctaw Nation, of Jesse D. Horton et al.

Jesse D. Horton, having been first duly sworn by Acting Chairman Bixby, testified as follows:  
By Mr. Bixby.

- Q What is your name? A Jesse D. Horton.  
Q What is your age? A 28 years.  
Q What is your postoffice address? A Longville, Mississippi.  
Q Do you live at or near Longville? A Yes sir.  
Q How long have you lived at your present place? A About four years I think.  
Q Where did you live before that? A I moved a few times but I have been in the same settlement all the time.  
Q You have lived all your life in Mississippi? A Yes sir.  
Q Did you ever live in the Indian Territory? A No sir.  
Q Do you now desire to make application for enrollment as a Choctaw Indian by blood? A Yes, on my mother's side.  
Q Are you married? A Yes sir.  
Q Is your wife a white woman? A Yes sir.  
Q Do you desire to make application on behalf of your wife? A I want to make it for myself and my children.  
Q Have you any children? A Yes sir.  
Q You desire to make application in their behalf? A Yes sir.  
Q What is the name of your wife? A Louisa.  
Q What are the names and ages of your children? A Clara born Dec. 17 1895. Charley born Oct. 29, 1897, Clarence born Jan 21, 1899 and James R. born Aug. 5, 1900.  
Q Does your name or the names of any one of the minor children for whom you apply, appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation, Indian Territory? A No, my mother applied.  
Q She didn't apply to the tribe? A No, I was mistaken.  
Q Did you or did anyone in your behalf or on behalf of your minor children, make application to the Commission to the Five Civilized Tribes, in the year 1896, under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.  
Q Were you admitted by a judgment of the United States Court in the Indian Territory? on appeal from the decision of the tribal authorities of the Choctaw Nation, or of this Commission, to citizenship in the Choctaw Nation? A No sir.

You will be furnished with a copy of the decision of the Commission relative to his application, mailed to your present postoffice address.

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Frances R. Brown, having been first duly sworn upon her oath as a witness, deposes and testifies that she is the duly appointed stenographer of the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her shorthand notes, of said proceedings on said date.

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

*John G. Lieber*

Notary Public.

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

In the matter of the application of Jesse D. Horton for the enrollment of himself, and for the enrollment of his minor children, Clara, Charley, Clarence and James R., as citizens of the Choctaw Nation.

D E C I S I O N.

The applicant in this case, Jesse D. Horton, on December 18, 1900 appeared before the Commission at Hattiesburg, Mississippi, and made application for the enrollment of himself, and for the enrollment of his minor children, Clara, Charley, Clarence and James R., as citizens of the Choctaw Nation. It appears that the applicants are not now and have never been enrolled by the tribal authorities of the Choctaw Nation; that their names do not appear upon any of the rolls of the Choctaw Nation now in the possession of the Commission; that they were not admitted to citizenship in the Choctaw Nation by this Commission or by the legally constituted authorities of the Choctaw Nation, acting under the Act of Congress approved June 10, 1896, or by judgment of the United States Court in Indian Territory on appeal.

The Act of Congress of May 31, 1900, provides:

That said Commission shall continue to exercise all authority heretofore conferred upon 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."

Under the provision of law above quoted, this Commission is without jurisdiction to consider this application.

It is therefore ordered and adjudged by the Commission that the application of Jesse D. Horton for the enrollment of himself and minor children Clara, Charley, Clarence and James R., as citizens of the Choctaw Nation, be, and the same is hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

  
Acting Chairman.

JAN 19 1901

Muskogee, Indian Territory, February 16, 1901.

James Horton,

Longville, Mississippi.

Dear Sir:

The Commission is in receipt of letter of the 13th instant signed by James Horton, J. D. Horton and Mollie Hopkins, requesting that the records in the matter of their applications for enrollment as citizens by blood of the Choctaw nation be forwarded to the Secretary of the Interior for his consideration.

You are informed that before the Commission can accept such a request, and file the same, it will be necessary for the Commission to be furnished with a separate request in each case, and upon the receipt of same the matter will be given further consideration.

Yours truly,

Acting Chairman.

7-M 61-62-63



C O P Y.

I. and.

C. F. S.

16347 - 1901.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, August 3, 1901.

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

Gentlemen:

I send you herewith for further hearing in accordance with the letter of instructions of this office dated July 25, 1901, the following cases:

Mollie Hopkins,  
Nancy Coggins, et al.,  
James Horton, et al.

Jesse D. Horton, et al.,  
Gus Wooldridge, et al.,

These memorandums were not forwarded to this office as "Mississippi Choctaw" cases, but that is what they are in fact, and should be revised as such.

Very respectfully,

A. C. Tenner,

E. B. H. (Pa)

Acting Commissioner.

Muskogee, Indian Territory, August 24, 1901.

Mr. Jesse D. Horton,  
Longville, Mississippi,

Dear Sir:

On August 3, 1901, the Commissioner of Indian Affairs returned to this Commission the memorandum made at the time of your application for the enrollment of yourself and your four minor children as citizens by blood of the Choctaw Nation, at Hattiesburg, Mississippi, December 18, 1900, together with the decision of the Commission refusing such application, with instructions that you be granted an opportunity for the presentation of further testimony in support of your claim.

If you now desire to present an application for the identification of yourself and children as Mississippi Choctaws, you will be heard, upon your personal appearance before the Commission at its office at Meridian, Lauderdale County, Mississippi, at any time during the months of September and October, 1901.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 15, 1901.

Jesse D. Horton,

Longville, Mississippi .

Dear Sir:

On August 24, 1901, the Commission addressed to you a communication stating that on August 3, 1901, the Commissioner of Indian Affairs returned to this Commission the memorandum made at the time of your application for the enrollment of yourself and your four minor children as citizens by blood of the Choctaw Nation at Nattiesburg, Mississippi, December 18, 1900, together with the decision of the Commission refusing such application, with instructions that you be granted an opportunity for the presentation of further testimony in support of your claim. You were further advised that you could appear before the Commission at its office at Meridian, Lauderdale County, Mississippi, during the months of September and October, 1901.

It does not appear that up to this time any application has been made by you for identification as a Mississippi Choctaw and if it is your intention to further prosecute your claim it would be advisable that you give this matter as early consideration and attention as possible.

The office at Meridian, Mississippi, was closed on the

J.D.H.2

10th instant and the representatives of the Commission in Mississippi, are at present and will be for some time to come, occupied in hearing the applications of full blood Indians in parts of the state removed from a railroad. A communication addressed to the Commission at Meridian, Mississippi, as to their present location will receive proper consideration.

Yours truly,

Acting Chairman.

7-N-63

Muskogee, Indian Territory, February 5, 1902.

Jesse D. Horton,  
Longville, Mississippi.

Dear Sir:

On August 24th, 1901, the Commission addressed to you a communication stating that on August 3, 1901, the Commissioner of Indian Affairs returned to this Commission the memorandum made at the time of your application for the enrollment of yourself and your four minor children as citizens by blood of the Choctaw Nation, at Hattiesburg, Mississippi, December 18, 1900, together with the decision of the Commission refusing such application, with instructions that you be granted an opportunity for the presentation of further testimony in support of your claim.

You were advised in such communication that you could appear before the Commission at its office in Meridian, Lauderdale County, Mississippi, either in the month of September or October, 1901. On October 15, 1901, this matter was again brought to your attention and you were advised that the Commission was then hearing applicants for identification as Mississippi Choctaws in the state of Mississippi and that you would be informed of the exact location of the party in that state by an inquiry addressed to the Postmaster

J D H 2

at Meridian, Mississippi.

It does not appear that up to this time that any application has been made by you for the identification of yourself and your children as Mississippi Choctaws and you are now informed that the Commission is in session at Meridian, Lauderdale County, Mississippi, where applicants for identification as Mississippi Choctaws will be heard upon their personal appearance up to and inclusive of February 15, 1902.

If it is your intention to further prosecute your claim as a citizen of the Choctaw Nation it is advisable that you give this matter your early consideration as it is probable that the Commission will withdraw the party now operating in Mississippi at some early date.

Yours truly,

Acting Chairman.

Choctaw mem. 63.

Muskogee, Indian Territory, March 8, 1902.

In the matter of the application of Jesse D. Horton, for the enrollment of himself and his four minor children, Clara, Charley, Clarence, and James R. Horton, as citizens by blood of the Choctaw Nation.

Jesse D. Horton,  
Longville, Mississippi.

Dear Sir:

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 children 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 perform all other acts necessary thereto and make report to the Secretary of the Interior."

J D H 2

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are the descendants of Choctaw Indians who resided in the 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.

Yours truly,

Register.

Commissioner in Charge.



M.C.R. 5219

Muskogee, Indian Territory, April 17, 1902.

Jesse D. Horton,  
Longville, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your affidavit, corroborated by J. T. Horton and M. F. Hopkins, stating that you are the grandson of Eli Sanders who was a half blood Choctaw and resided in the state of Mississippi in 1830. This affidavit has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

COPY.

M.C.R.5219.

Muskogee, Indian Territory, December 4, 1902.

Jesse B. Horton,

Longville, Mississippi.

Dear Sir:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hollie Hopkins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                              |             |
|------------------------------|-------------|
| Hollie Hopkins,              | M.C.R.1787; |
| Guss Wooldridge, et al.,     | M.C.R.1649; |
| James T. Horton, et al.,     | M.C.R.1785; |
| Nancy Corbins, et al.,       | M.C.R.1789; |
| Jesse B. Horton, et al.,     | M.C.R.5219; |
| Autie M. Wooldridge, et al., | M.C.R.3648; |
| John T. Lailor,              | M.C.R.4459. |

These applications are made under the provision of the act of Congress of June 28, 1902, (32 Stats., 495), which is as follows:

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

Said decision concludes as follows:

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

J. D. W., 2.

the identity of Lollie Hopkins, Guss Wooldridge, William A. Wooldridge, Susan Wooldridge, Viola Wooldridge, Quinton Wooldridge, Autie Wooldridge, Otis Wooldridge, Willa Wooldridge, John Wooldridge, James T. Horton, Jesse Horton, Robert Horton, Lucy Horton, Fanny (or Fannie) Horton, Arrie Horton, Violet Horton, Eli Horton, Nancy Coggins, Dollie Coggins, Sam Coggins, Collie Coggins, Tolbert Coggins, Robert Coggins, Myrtle Coggins, Etta Coggins, Callie Coggins, Auther Coggins, Vola Coggins, Jesse D. Horton, Clara Horton, Charley Horton, Clarence Horton, James D. Horton, Auntie E. Wooldridge, Annie Myrtle Wooldridge, and each of said lands as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article XVIII of the Treaty of 1830 between the United States and the Choctaw Indians, and that the applications for their identification as such should be received, 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 your arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Very respectfully,

SIGNED

Acting Chairman.

Registered.

M.C.H. 5219

21.

Muskogee, Indian Territory, March 14, 1903

Jesse D. Horton,  
Longville, Mississippi.

Dear Sir:

You are hereby notified that on the 5th day of March, 1903, the Secretary of the Interior, affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Hopkins, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

Chairman.

No. 5219

For Identification as a Mississippi Choctaw.

Date Dec 18 1900

Name Jesus D Horton

Age 28 Blood

Post Office, Longville Miss

Father:

Mother:

Claims through  
wife Louisa Horton  
no claim for wife

Children:

Clara Horton 5  
Charley Horton 3  
Clarence Horton 2  
James Robert Horton 6m

Transferred from  
Choctaw Mem: 63

Stenographer Frances R Brown

**MEMORANDUM.**

Case No

Date **DEC 18 1900**

Name *Jesse D. Horton*

Age *28*

Post-Office: *Angville, Va.*

Wife: *Anna Horton*

Children:

- Charles Horton 5*
- Harvey Horton 3*
- Marion Horton 2*
- James Robert Horton 6 mo.*

**CHOCTAW.**

**REFUSED.  
ACT OF MAY 31, 1900.  
MEMORANDUM.**

Stenographer

*Frances A. Brown.*

Jesse D. Horton et al.

vs.

Choctaw Nation.

Memoranda Case No. 63

*Original testimony and all papers filed in  
this case forwarded Secretary of Interior,*

MAR 2 1901

REFUSED.  
ACT OF MAY 31, 1900.  
MEMORANDUM.

Aug 31 1901 forwarded to  
Comm. of Indian Affairs  
instruc. to ...

a

Register to

Jesse D. Horton,

Longville, Mississippi,

and return registry receipt to

Choctaw memorandum case #63



Register to  
Jesse D. Horton,  
Longville, Mississippi,  
and return registry receipt to  
Choctaw-Chickasaw Department.

W.O.B.

January 31, 1901.

7-71-63

*Jesse D. Horton, Et. al.*  
**REFUSED**

DECISION BY THE APPLICANT

*JR, 5219* DEC 4 - 1902

NOTICE OF DECISION FORWARDED  
ATTORNEYS FOR APPLICANTS

DEC 4 - 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 4 - 1902

RECORD FORWARDED DEPARTMENT

DEC 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 5 - 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 11 1903

REFER TO M. C. R.

15347

Indian Office

1901

Incl. No.

6

REFUSED. CHOCTAW.

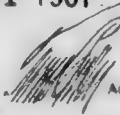
63

*Jesse N. Horton et al.*

**REFUSED.**  
**ACT OF MAY 31, 1900.**  
**MEMORANDUM.**

Judgment written, January 18, 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.  
JAN 31 1901



ACTING CHAIRMAN.

43

15347

Choctaw MCR 5220

Mary E. Courtney

See MCR 288

MCR 5220

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 17, 1902.

(Transferred from R. 53 to M.C.P. 5220.)

5220

In the matter of the application of Mary E. Courtney for the identification of herself and her two minor children, Byron C. and Emma M. Courtney, as Mississippi Choctaws.

No attorney appearing for applicant.

Mary E. Courtney being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Courtney.  
Q What is your age? A Forty seven I was born in 1854.  
Q What is your post office address? A Blevins now.  
Q Indian Territory? A No sir, in Texas.  
Q How long have you lived in Blevins? A I can't hardly tell exactly.  
Q One, two, three, four, five years? A I have lived there and at Waco all my life since I was born.  
Q You have lived all your life in Texas? A Yes sir; well, part of the time we lived in the Indian Territory  
Q When did you come to the territory? A It has been I believe two years ago.  
Q How long did you stay in the Territory? A 9 or 10 months.  
Q Then went where? A Back to Blevins  
Q And have lived there since? A Yes sir.  
Q Is your father living? A He is dead.  
Q Your mother? A Is dead.  
Q What was your father's name? A Thomas H. Barron.  
Q What was your mother's name? A Mary Jane Barron.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A I don't know exactly- I think the wit-

nesses told---- I don't know how much he did claim; the witnesses knows how much it is but 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 either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A --

Q Has your father ever been recognized in the Territory as a Choctaw Indian? A Well, they say.

Q I mean enrolled when I ask if he has ever been recognized- has he been recognized or enrolled and made a member of the Choctaw tribe of Indians by the Choctaw tribal authorities-- A I don't know.

Q When and where were your father and mother married? A In Texas.

Q At what place? A At the place of the Brises I think; I am not certain.

Q Have you the proof of the marriage of your father and mother with you now? A No sir.

Q Do you think you can prove that if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Do you know Cora Miles? A Yes sir.

Q Was her maiden name Nixon? A Yes sir.

Q What kin is she to you? A She was niece of mine.

Q Her father's name was what? A Nixon.

Q And her mother's name was what? Millie Barron? A Yes sir.

Q Do you know Eliza E. Busby? A Yes sir.

Q What kin-- A She is my daughter.

Q Her maiden name was Courtney and she married a Busby? A Yes sir.

Q What was his first name? A Bradley.

The application of Louisa E. Busby is here referred to as H.43. And the application of Cora Miles is here also referred to as H.180.

Q Are you married? A Yes sir.

Q What is your husband's name? A James L. Courtney.

Q Is he living? A Yes sir.

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

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

Q Now give the names of your children under twenty one years of age and unmarried for whom you want to make application? A Byron C. Courtney.

Q How old is he? A Eighteen I think.

Q What is the name of the next child? A Emma M. Courtney.

A How old is she? A She is nine.

Q You claim for yourself and these two children? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory with your children? A Well, I don't know.

Q Well, if you were enrolled on the Choctaw tribal rolls you would

not be here making an application now, would you? It would not be necessary if you were already enrolled as an Indian; I asked you that question to find out if you were enrolled as an Indian; if you were you wouldn't need to be here now. Did you ever hear that you were enrolled as an Indian in the Choctaw nation? A I have heard it; I don't know.

(The records of the Commission have been examined and the name of this applicant is not found thereon as a member of the Choctaw tribe of Indians in the Indian Territory, neither are the names of her children found thereon.)

Q Have you ever made application for citizenship in the Choctaw Nation for your self and children to the Choctaw tribal authorities in the Indian Territory-- either the council or any committee of the Choctaw nation and ask to be enrolled? A Yes we went before them there in Durant.

Q You went before the Dawes Commission, didn't you? A Yes sir.

Q Then you never went to the Choctaw tribal authorities, did you? A No sir.

Q Did you ever make 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 --

Q That's six years ago; you didn't go before them six years ago, did you? A No sir, it has been about five years.

Q Did you make application for citizenship in the Choctaw nation for yourself and children-- now remember-- to the Dawes Commission at any time previous to this present application? A Yes sir; at Durant.

Q Did you make application for any of your children at that time? Do you know whether you made application for yourself as well as for your children as Choctaw Indians at Durant Indian Territory before the Commission to the Five Civilized Tribes or not? You did for yourself, didn't you? A Yes sir.

Q Do you remember whether you did for your children? A No sir, I don't remember.

The records of the Commission show that Mary E. Courtney the present applicant made application at Durant, Indian Territory, to the Commission to the Five Civilized Tribes for enrollment for herself as a Choctaw by blood, examination by Commissioner McKenna, and that at that time she made application for herself; that she made no application for any of her children, and that said application was then and there refused by Commissioner McKenna.

Q Do you remember that? A Yes sir.

Q You received notice that your application was refused? A I never received any notice, but I knew it.

Q How long have you known that you were refused? A I didn't know I was refused-- I was sick when I went before; I don't remember what he did tell me exactly; I got a letter telling me to come and---



Q Do you now want to make this application which you made for enrollment for yourself at Durant, Indian Territory, before Commissioner McKenna acting for the Commission, as part of this present application? Do you want to have these papers filed with this present application-- made a part of it-- your affidavits and all of your papers are here;-- do you want to have them made a part of the record in your present application? A Yes sir.

Q This is the only application then, is it, this application made by you before the Commission at Durant, No.R.53-- that you have ever made previous to the present application? A Yes 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-- haven't been, have you? A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Understand that article of that treaty? A No sir.

Q Would you like to have it explained to you? 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 Mississippi on the 27th day of September, 1830. The object of the treaty was the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi in Alabama to the new 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 Choctaws who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty and it was then signed and afterwards on the 24th day of February, 1831 ratified. That treaty and article is as follows

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

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

Q Give me the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw and who you claim lived in Mississippi in 1830 and complied with article fourteen of the treaty of 1830? A My father lived there in 1830; that's what I have been told.

Q Did he have a family there then? A I don't know whether he was married or not.

Q Do you know whether he claimed through his father or mother?

A I think both.

Q What was the name of his father? A John Barron.

Q What was the name of his mother? A I don't know that I could tell right now. I have got it at home there on some papers.

Q Did your father's father, John Barron live in Mississippi in 1830? A That's what I have been told.

Q Was he head of a family there at that time? A Yes sir.

Q That is, he had children living there then? A Yes sir.

Q Do you know when John Barron died? A No sir, I can't tell you. It's on the papers we have got at home.

Q How old would he be if living now? A I don't know.

Q How old would your father be, Thomas H. Parron, if he were living now? A He would be 77 I think; older than that, he died in '74 I think, and was seventy some odd then.

Q Was he born in Mississippi? A Yes sir.

Q Do you remember at what place in Mississippi? A They said Choctaw settlement seems like.

Q You don't know the name of the wife of John Barron? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A They lived there; I don't know whether they owned any or not.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know sir. They moved from there but I can't tell you.

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 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 1830? A They lived there; I don't know whether they owned any land or not. That's what I have been told that they lived there, - by men that lived there with them.

Q What have you been told by any in the family about any of your Choctaw ancestors' owning any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know that they owned any.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama East of the Mississippi River 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 after the ratification of this treaty and signify to him their intention 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 list known as Ward's Register; Col. Ward made three lists, upon one of which, the autnetic one there appears secenty one heads of familis and all of these lists together contain the names of 143 heads of families out of the large number of Indians something like 6000 or seven thousand who remained back in the old Choctaw Nation and many of whom went to Col. Ward within six months after the ratification of the treaty and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States, but whose names he failed to put on his list. 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 great many complaints and as a result of the complaints Congress in 1837 by an act approved March 3, 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 by an act approved August 23, that year; this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did you ever hear that any of your ancestors if Choctaws went to either of these two Commissions and claimed 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 1830 if it also further appeared that he had formerly held 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 Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that certificates 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; I have got some brothers and sisters got their right here.

Q That's not in response to the question; did any of your Choctaw ancestors live in Mississippi or Alabama in 1837, or 1842 and receive any certificate or scrip from the Government which entitled them to select land in any of the four States I have named?

A Well, I don't know sir.

Q Who is Ronchali C. Barron? A He is a brother of mine.

- Q Do you want to have your case consolidated with that of all other relatives who apply making claim from the same common ancestor and included in the consolidated case of Ronchali C. Barron et al.? So that you can get the benefit of their testimony? A Yes sir.
- Q Have you any other evidence that you want to introduce in this case? A No sir.
- Q Any witnesses you want to call? A I have got other witnesses I could get.
- Q Do you want any time in which to introduce other testimony? A No sir, I wanted it finished, so that I wouldn't have to come back.
- Q Do you want any time to get--- A Other witnesses.

Thirty days time is allowed this applicant in which to introduce other testimony or evidence in support of this application.

- Q Do you speak the Choctaw language? A No sir.
- Q Are your eyes brown? A Brown I guess.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, medium fair complexion, brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors of hers 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 17, 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 10 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Mary E. Courtney for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Mary E. Courtney.
- Q How old are you? A Forty-five.
- Q Are you on the Choctaw rolls? A No sir.
- Q You claim to be a Choctaw? A Yes sir.
- Q You never have been on the rolls? A No sir.
- Q Your mother and father on the rolls here in the Choctaw Nation?
- A I don't know.
- Q Where did they die? A In Texas.
- Q You were born and raised in Texas? A Yes sir.
- Q When did you come to the Territory? A I am living here in the Territory now.
- Q When did you come here? A Last October, - October 1898.

Com'r McKennon: Enrollment is refused.

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

*M. D. [Signature]*

Choctaw R 53

Muskogee, Indian Territory, March 26, 1902.

Mary K. Courtney,

Blevins, Texas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavits of James Charles Campbell and Gideon J. Gibson, which have evidently been forwarded in response to our communication of February 15, 1902, in which you were advised that you would be allowed thirty days from the date thereof within which to submit an affidavit corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898.

Such affidavits allege that you are the descendant of a Choctaw Indian who lived in Mississippi in 1830 and they have been duly filed with the records of the Commission and you are now advised that if it is your intention to attempt to prove such rights as you claim as the descendant of a Choctaw Indian 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, it will be necessary for you to personally appear before the Commission with such witnesses as you may be able to secure in support of said allegations.

M B O B

You are further advised that you will be allowed thirty days from the date hereof within which to submit such evidence; and if at the expiration of that time no personal testimony substantiating the allegations in the affidavits now filed is presented the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw and that the case is completed, and it will proceed to render its decision as to your right to enrollment as a citizen of the Choctaw Nation and to identification as a Mississippi Choctaw, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

Register

Choctaw R 53

Muskogee, Indian Territory, April 9, 1902.

Mary E. Courtney,  
Blevins, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, stating that you have no more evidence to offer in your case.

You are informed that if you do not appear before the Commission at Muskogee, Indian Territory, within the time specified in our letter of March 26, 1902, and make application for identification as a Mississippi Choctaw, the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw and that the case is completed and it will proceed to render its decision as to your right to enrollment as a citizen of the Choctaw Nation and to identification as a Mississippi Choctaw, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.



COPY.

M C R 5220

Muskogee, Indian Territory, June 14, 1902.

Mary E. Courtney,  
Blevins, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ronchali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

|                                 |     |      |
|---------------------------------|-----|------|
| Ronchali C. Barron, et al.,     | MCR | 288  |
| Mozella J. St Cyr, et al.,      | MCR | 44   |
| Fliza A. Taylor, et al.,        | MCR | 45   |
| Cornelius B. Taylor,            | MCR | 46   |
| John H. Taylor, et al.,         | MCR | 47   |
| Mary Ann O. Smith,              | MCR | 48   |
| Thomas B. Crudup, et al.,       | MCR | 51   |
| Almedia White, et al.,          | MCR | 52   |
| Rebecca T. Patterson, et al.,   | MCR | 53   |
| Celia Nix, et al.,              | MCR | 54   |
| Robert Henry Patterson, et al., | MCR | 57   |
| Nellie Davis, et al.,           | MCR | 58   |
| Fred M. Patterson, et al.,      | MCR | 89   |
| Dessie Taylor, et al.,          | MCR | 262  |
| Anna Patterson, et al.,         | MCR | 263  |
| Della J. Spencer, et al.,       | MCR | 264  |
| Charlie E. Cunningham,          | MCR | 367  |
| Ellie Neeley, et al.,           | MCR | 368  |
| William C. Cunningham,          | MCR | 370  |
| Almeda O. Tyler, et al.,        | MCR | 371  |
| Thomas L. Cunningham, et al.,   | MCR | 372  |
| Claudie Litteral, et al.,       | MCR | 1366 |
| Mozella Petree, et al.,         | MCR | 1360 |
| Millie A. Malone, et al.,       | MCR | 1361 |
| Mary E. Courtney, et al.,       | MCR | 5220 |

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 Roncnali C. Barron, Lamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben T. St Cyr, Leda S. St Cyr, Mozella T. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Williard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Selia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corone Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Wiam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dossie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellic Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

M.E.C.-----

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Yours truly,

(SIGNED) *T. B. Needles,*

Commissioner in Charge.

Registered.

M. T. R. 5220

Muskogee, Indian Territory, November 22, 1902.

Mary E. Courtney,  
Slevins, Texas.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rome and G. Carron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

No. 5220

For Identification as a Mississippi Choctaw.

Date

Name *Mary E. Courtney*

Age *47-* Blood *don't know.*

Post Office, *Blevins, Texas.*

Father: *Thomas H. Barron*

Mother: *Mary Jane " d*

Claims through

*father.*  
*Husband James L. Courtney, C.W.*

*No claim for husband*

Children:

*Byron C. Courtney, 18*

*Emma M " 9*

*Claims for self  
and 2 children*

Stenographer

*H. H. Harris,*

Register to Mary E. Courtney

Blevins, Texas

and return receipt to

Choctaw R 53

Choctaw MCR 5221

Marcellus Moore

See MCR 762

MCR 5221

Department of the Interior.  
Commission to the Five Civilized Tribes  
Muskogee, I.T. April 17, 1902.

5221

In the matter of the application of Marcellus Moore for the identification of himself and his seven minor children, Mattie Kate, Deborah, Octavia, Ross, Mayne, Metzzy and Annie May Moore, and of his son, Graham Moore, a soldier in the Phillipines, as Mississippi Choctaws.

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

Marcellus Moore being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Marcellus Moore.  
Q M-a-r-c-e-l-l-u-s M-o-o-r-e? A Yes sir.  
Q Any middle name? A No sir.  
Q What is your age? A Fifty four.  
Q What is your post office address? A Mountain Peak, Ellis County, Texas.  
Q How long have you lived there? A Ever since '67.  
Q Where were you born? A In Arkansas.  
Q Where in Arkansas? A In the South portion.  
Q How long did you live there before you left the State? A I was born there- I was about fourteen.  
Q Then you went where? A Texas.  
Q Been there ever since? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A George W. Moore.  
Q What is your mother's name? A Fannie Reed before she married; Fannie Moore.  
Q You claim through which parent? A Father.



- Q How much Choctaw blood 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 anything about.  
Q Have you proof of the marriage of your father and mother with you?  
A No sir.  
Q Do you know when your father and mother were married? A No sir.  
Q Could you introduce that evidence later if given time? A I think.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Choctaw Indian or white woman? A White woman.  
Q What is her name? A Emma J. Moore.  
Q You don't make any claim for her? A No sir.  
Q Give me the name of your oldest child unmarried and under twenty one years of age? A Mattie Kate Moore.  
Q Have you a son who is of age and now serving in the army of the United States in the Phillipines? A Yes sir.  
Q What is his name? A Graham Moore.  
Q Where is he located, Mr. Moore? A San Commando is his postoffice  
Q Where did he enlist? And when? A Last February a year ago.  
Q When is his time up? A He went in for three years.  
Q What is his age? A Twenty two I believe.  
Q You want to make application for him at this time, do you, because he is there and unable to make this present application? A Yes sir.  
Q What is the name of your next child under age and unmarried?  
A Mattie Kate Moore.  
Q How old is she? A Eighteen.  
Q What is the name of the next? A Deborah.  
Q D-e-b-o-r-a-h? A Yes sir.  
Q How old is she? A Fifteen.  
Q The next? A Octavia.  
Q O-o-t-a-v-i-a? A Yes sir.  
Q How old? A Thirteen.  
Q Next? A Ross Moore.  
Q R-o-s-s? A Yes sir.  
Q How old is Ross? A Eleven.  
Q Next? A Mayne.  
Q M-a-y-n-e? A Yes sir.  
Q Boy? A Yes sir.  
Q Ross is too I suppose? A Yes sir.  
Q How old--- A Mayne is nine. The next is a girl Metzzy-- M-e-t-z-y six years old.  
Q The next? A Annie May.  
Q How old? A Four.  
Q The next? A That's all.  
Q Then you had eight with Graham? A Yes sir.  
Q You claim for yourself and children? A Yes sir.

- Q Is Emma Moore the mother of these children? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Or were you ever before? A No sr.  
Q You are supporting all these children, are you? A Yes sir.  
Q When and where were you married to your wife Emma? A There where I live; in Ellis County.  
Q When? A I have about forgot that; I don't believe I can tell you. Something like twenty six years ago.  
Q You can introduce it later? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A They are not.  
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 been admitted to citizenship in the Choctaw nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.  
Q Is this the first application that you have ever made for yourself and children to any authority for enrollment as Choctaw Indians? A Yes sir.  
Q Do you now come before the commission to be identified 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 the 27th day of September 1830. Because it was made at that place and at that time it is sometimes called the treaty of Dancing Rabbit Creek and sometimes the treaty of 1830. The object of that treaty was the removal as far as possible of all the Choctaw Indians from the Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under that treaty with the other Indians and so in order to protect the interests of those Choctaw Indians who preferred to stay back in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830. An article in a treaty is one of its numerical subdivisions, as any subject may be divided into different parts, as a chapter in the Bible is divided into different verses, so a treaty is divided into different articles numbered from one up. 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, Mr. Moore? A Yes sir.

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

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Going back to your ancestor who lived in Mississippi in 1830, if you know of any?

A I have heard his name was Tubb.

Q What was his full name? A George Tubb.

Q T-u-b-b? A Yes, I think.

Q What kin is he to you? A I can't tell you exactly.

Q Grandfather or great grandfather? A Great grandfather, I suppose.

Q How much Choctaw blood did he have? A I have heard that he was a half breed.

Q Was he the head of a family in Mississippi in 1830? A I don't know.

Q Where was he born? A Can't tell you.

Q Where and when did he die? A I can't tell you.

Q Whom did he marry? A I can't tell you that.

Q You claim through your father, George W. Moore? A Yes sir.

Q He claimed through which parent? A His mother.

Q What was her maiden name? A Lydia Tubb.

Q What relation was George Tubb to her? A Her father, - I have heard I don't know, anything about it, - but I suppose.

Q Did Lydia Tubb who afterwards married Moore live in Mississippi?

A I don't know.

Q You cannot give the name of any Choctaw ancestor who you positively know had a family in Mississippi or Alabama in 1830? 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 or 1840? A I don't know

Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in the old Choctaw Nation in the year 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, who had an agency in Mississippi in 1830 and 1831 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I can't tell you  
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 in the old Choctaw Nation? A I don't know or could not tell you.

The Choctaw Indians who remained in the old Choctaw nation in East of the Mississippi River after the treaty of 1830 was ratified 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 Col. Ward within six months from the ratification of the treaty and tell him that they wanted to stay, in Mississippi, take land there and become citizens of the States; a great many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register, and his neglect to do this caused a good many Indians who had land in Mississippi and Alabama in the old Choctaw Nation 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 great many complaints among the Indians and as a result of the complaints made Congress appointed a Commission in 1837 which Commission went to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions, the one appointed in 1837 by an act approved March 3, or the one appointed in 1842 by an act approved August 23, and claim benefits as Choctaw Indians? A I could not tell you.  
Q Never heard about that? 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 further appeared that he had had land in Mississippi taken from him there by the Government 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 know anything about.  
Q Do you want to introduce this marriage license at this time?  
A Yes sir.  
Q Who is M. Moore? A That's Marcellus.  
Q That's you? A Yes sir.

Q And who is E.J.Overstreet? A That's my wife.  
Q You now give her name as Emma Moore? A --

Marriage license of the marriage of M.Moore, this present applicant, and E.J.Overstreet, whose name he now gives as the name of his wife, Emma Moore, received, filed marked Exhibit "A" and made a part of the record in this case.

Q Do you speak or understand the Choctaw language? A No sir.  
Q Have you any other evidence or any other witnesses you want to present now to this Commission in support of this claim? A I don't know that I have.  
(To attorney for applicant:  
Q Any questions, Judge? A We would like time in which to furnish evidence.  
(To applicant:)  
Q Do you know Milton Ikard? A Yes, just got acquainted with him.  
Q What kin is he to you? A Not much; some kind of cousin.  
Q We claims through George Tubb.

(Reference is made to the consolidated case of Milton Ikard M.C.R.767.)

Q would you like the testimony given by Milton Ikard in his application and also all other relatives of yours who have been before the Commission claiming through the same common ancestor considered with yours in this consolidated case? A Yes sir.

-----  
This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, brown hair, lighter brown mustache and whiskers a little gray; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

--  
Henry G. Hains being 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 17, 1902,

and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry B. Harris*

Subscribed and sworn to before me this 10 day of May, 1902.

*Charles H. Sampson*

Notary Public.

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. 5221

ALLISON L. AYLESWORTH,  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Marcellus 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 |
| Anna 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 |
| Iylene Posey, et al.          | M. C. R. | 5226 |
| Irene Burleson, et al.        | M. C. R. | 5225 |
| Benjamin F. Moore, et al.     | M. C. R. | 5231 |
| John H. Moore                 | M. C. R. | 5233 |
| George W. Moore               | M. C. R. | 5234 |
| Frank E. Moore                | M. C. R. | 5232 |
| Ula Rebecca Moore             | M. C. R. | 5230 |
| Lydia J. Singleton, et al.    | M. C. R. | 5135 |
| Alice M. Godfrey, et al.      | M. C. R. | 5229 |
| Lee O. Moore, et al.          | M. C. R. | 5137 |
| Sallie W. Roberts, et al.     | M. C. R. | 5228 |
| George Newton Whipple, et al. | M. C. R. | 5223 |
| Annie G. Wilson, et al.       | M. C. R. | 5919 |
| William Alexander Moore       | M. C. R. | 5906 |
| Richard P. Moore              | M. C. R. | 5925 |
| Lydia A. Sheppard             | M. C. R. | 5918 |
| Robert Lee Moore, et al.      | M. C. R. | 5922 |
| John A. Moore, et al.         | M. C. R. | 5923 |
| Glen M. Robinson              | M. C. R. | 5924 |
| Ida Robinson, et al.          | M. C. R. | 5917 |
| Aylmer Moore, et al.          | M. C. R. | 5705 |
| Lydia E. Moore                | M. C. R. | 5709 |
| Fannie Adella Moore           | M. C. R. | 5710 |
| Jane A. Moore                 | M. C. R. | 5711 |
| William G. Tubb, et al.       | M. C. R. | 5712 |
| Belie Ikard                   | M. C. R. | 705  |
| 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  |
| Suewilhe 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, 1868 (30 Stats., 495), which is as follows:

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

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, Ethelama 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, Jamie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, May 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, Anna 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, Meazy Moore, Annie May Moore, Graham Moore, Irylene 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 I. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Le 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, Arthur 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 Annie Ikard, Eugene F. Ikard, Robertson Ikard, Sue-willie Ikard Canuse, 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 Wobb, 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, Hattie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw land 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.

Chairman.

M.C.R. 5221

Muskogee, Indian Territory, May 1, 1905.

Marcellus 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.

No. 5231

For Identification as a Mississippi Choctaw.

Date . . . . .

Name, *Marcellus Moore.*

Age *54* - Blood *1/6*

Post Office, *Mountain Peak, Tex.*

Father: *George W. Moore, d*

Mother: *Fannie " d*

Claims through *father*  
*wife* *Emma Moore, l.w.*  
*No claim for wife.*

Children:

*(soldier in Philippines)*  
*Graham Moore, 22.*  
*Mattie Kate " 18*  
*Reborah " 15*  
*Octavia " 13*  
*Ross (M) " 11*  
*Mayne (M) " 9*  
*Metzy (F) " 6*  
*Annie May " 4*

*Claims for self &*  
*children*

Stenographer *H. S. Hains*

Choctaw MCR 5222

James E. Sewell

See MCR 762

MCR 5222

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 17, 1902.

5222

In the matter of the application of James E. Sewall for identification as a Mississippi Choctaw.

J.G.Ralls, attorney for applicant.

James E. Sewall being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James E. Sewall; S-e-w-a-l-l-.
- Q What is your age? A Thirty two.
- Q What is your post office address? A Midlothian Texas.
- Q How long have you lived at Midlothian? A About two years.
- Q Where were you born? A Mountain Peak, Ellis County, Texas.
- Q Always lived in the State of Texas? A Yes sir.
- Q Is your father living? A No sir.
- Q Is your mother- A Yes sir.
- Q What was your father's name? A John P. Sewell.
- Q What is your mother's name? A Fannie Sewell.
- Q You claim your Choctaw blood through which parent? A Mother.
- Q How much Choctaw blood do you claim? A A thirty second.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe 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 Claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

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

A No sir; 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, 1876? A I haven't.

Q Have you ever made application previous to this time 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, I have not.

Q Do you now come before the Commission for the identification of yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Well, no sir, I can't say that I do, I partly understand it from hearing you explain it just now.

Q You think you understand it well enough to claim under it without the explanation? 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 You understand that now, Mr. Sewell? A Yes sir.

Q Do you think any of your Choctaw ancestors complied or attempted in any way to comply with article fourteen of that 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 Tubb.

Q George? A Yes sir.

Q What kin to you? A He would be great-great-grandfather I suppose.

Q How much Choctaw blood did he have? A He was supposed to be a half I have been told.

Q Did you ever hear that he lived in the State of Mississippi in 1830 and was head of a family then? A No sir, I don't know anything about that.



- Q Did you ever hear that he lived in Mississippi or Alabama in the old Choctaw Nation? A I have heard them speak of it;---no sir, I don't know anything about him.
- Q Can you give the name of any ancestor having Choctaw blood who lived in the old Choctaw Nation, East of the Mississippi River?
- A No sir.
- Q You don't know of any? A No sir.
- Q You claim through your mother Fannie? A Yes sir.
- Q Where was she born? A In Alabama I think.
- Q Know in what part? A No sir, I don't.
- Q How old is she now? A Fifty eight.
- Q Then fifty eight years ago she was born in Alabama; did she claim through father or mother? A Father.
- Q What was his name? A George Moore.
- Q Know where he was born? A No sir, I don't.
- Q Did he live in Mississippi? A Yes sir.
- Q Do you know if he lived there in 1830-- 72 years ago? A No sir.
- Q Did he claim through his father or mother? A Mother.
- Q Did she live in Mississippi or Alabama? A I don't know.
- Q What was her name? A Her name was Lydia Tubb and she married a Moore.
- Q Who was a white man? A I don't know.
- Q You never heard that she lived in the old Choctaw Nation? A No sir.
- Q Was her father George Tubb? A Yes, that's what they say.
- Q But you can't give the name of any ancestor who lived in Mississippi in 1830 and was head of 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 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 States? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi or Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the fourteenth article of that treaty to go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States: a great many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register his failure to do this caused many Indians who had lands there upon which they had improvements to lose both land and improvements for they were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Indians that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; in 1842 another Commission was ap-

pointed by act approved August 23, that year, 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 under that article of that treaty?

A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government as a Choctaw Indian which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which had been taken from them and sold? A I don't know.

Q Who is Milton Ikard? A I suppose he would be about a third cousin; something like that.

Q He claims through George Tubb, the common ancestor? A Yes sir.

Q Do you want to have his case and all relatives claiming through George Tubb considered together in the consolidated case of Milton Ikard, M.C.R. 767? A Yes sir.

Q Do you speak Choctaw? A No sir.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, blue eyes grayish tint, light brown 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 17, 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 10 day of May, 1902.

*Charles K. Sawyer*

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. 5222

ALLISON L. AYLESWORTH  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**James H. Sewell,**  
**Midlothian, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |               |
|-------------------------------|---------------|
| Mattie E. King, et al.        | M. C. R. 5727 |
| Amma Wamble, et al.           | M. C. R. 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, Ailine 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, Anna 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, Meazy 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, Clotze 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, Elwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Snewillie 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,

*[Faint signature]*

Registered.

Chairman.

M.C.R. 5222

Muskogee, Indian Territory, May 1, 1905.

James E. Sewell,  
Midlothian, 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.



No. 5222

For Identification as a Mississippi Choctaw.

Date Apr 1, 1902

Name James E. Sewell.

Age 32 Blood '132

Post Office. Midlothian Tex

Father: John P. Sewell, d

Mother: Fannie .. l

Claims through mother

Children:

Claims for sep  
alone

Stenographer W. L. Harris

Choctaw MCR 5223

George Newton Whipple

See MCR 762

MCR 5223

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 17, 1902.

5223

In the matter of the application of Frank C. Whipple for the identification of his two minor children, George Newton and Lydia Ella Whipple, as Mississippi Choctaws.

J.G.Ralls, attorney for applicants:

Frank C. Whipple, a white man, having been first duly sworn, makes application for his two minor children as follows:

Examination by the Commission:

- Q What is your name? A Frank C. Whipple.  
Q What is your age, Mr. Whipple? A About forty five I think.  
Q Are you a white man? A Yes sir.  
Q You make application for two children as being the children of yourself and your wife who is now deceased and was an Indian? A Yes sir.  
Q What is your post office address? A Waxahachie, Texas.  
Q How long have you lived there? A Since '78.  
Q Has this always been the post office address of the children for whom you make application? A No sir.  
Q It is now? A Yes sir.  
Q And has been for a number of years? A Yes sir.  
Q What is the name of the mother of these children for whom you are making application, what was it? A Eliza Ann Moore, was her maiden name.  
Q Is she dead? A Yes sir.  
Q When did she die? A In 1894.  
Q Do you claim for these children through your wife, their mother, Eliza Ann Whipple? A Yes sir.  
Q What are the names of the children for whom you make application?  
Q George Newton Whipple.  
Q How old is he? A About fifteen years old.  
Q How much Choctaw blood do you claim your wife had? A One sixteenth I believe sir.  
Q How much do you claim for these children? A About one thirty second.  
Q What is the name of the next child? A Lydia Ella Whipple.  
Q How old is she? A Ten years old.

- Q When were you married to your wife? A In '79.  
Q Remember the day of the month? A 27th August.  
Q You have a certified copy of the marriage license and certificate or your marriage with your wife? A Yes sir.  
Q You wish to introduce that? A Yes sir.

Certified copy of the marriage license of F.C. Whipple and Eliza A. Moore presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q F.C. Whipple is your name, is it? A Yes sir.  
Q And E.A. Moore is the name of your wife Eliza Ann Whipple? A Yes sir.  
Q Are these children 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 Is 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 these children to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for these children under the act of Congress of June 10, 1896? A No sir.  
Q Have 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 Is this the first application ever made for these children?  
A Yes sir.  
Q Do you now come before this Commission for the purpose of identifying your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article of that treaty? A From hearing it talked here today and repeated I believe I do.  
Q Do you want to have it explained further? A I don't think so; I think I understand it well enough for that.

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 a family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A I think so.
- Q Do you know if any of your childrens' Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty? A No sir, I don't.
- Q What is the name of these childrens' ancestor through whom they claim thier right to be identified as Mississippi Choctaws? A Moore
- Q Do they claim through George Tubb? A Yes sir.
- Q What relation was George Tubb to them? A Great great grandfather I believe.
- Q How much Choctaw blood did he have? A One half I have been told
- Q Did he live in Mississippi at any time? A I presume so; I don't know.
- Q Do you know whether he lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir, I don't.
- Q Can you give the names of any Choctaw ancestors who did of these onchildren? A No sir.
- Q Can you give the name of any Choctaw ancestor of these children who lived in Mississippi or Alabama in 1830 and was the head of a family then? A Well, George Tubb I think was.
- Q You have heard that George Tubb lived in Mississi-- A Yes sir.
- Q In 1830? A I don't know really that I have heard that.
- Q Have any of the Choctaw ancestors of these children ever owned or claimed any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Have any of the Choctaw ancestors of these children ever removed from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1837? A Not that I know of.
- Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of the Choctaw ancestors of these children own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can't tell you.

The Choctaw Indians who stayed in the old Choctaw Nation East 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 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 list known as Ward's register and his neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both for the Government took them and sold them at Public Land Sale; this caused a good many complaints among the Choctaw Indians so that in 1837 by an act approved March 3, that year, Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 Congress appointed another Commission for the same purpose and this Commission also went to the State of Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of the Choctaw ancestors of these children go before either of these Commissions and claim benefits under that article of that treaty? A I can't tell you.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his right or claim under article fourteen of the treaty of 1830 and if it also further appeared that he had had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land 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 the Choctaw ancestors of these children receive any such scrip from the Government as Choctaw Indians? A I can't tell you sir.

Q Have any relatives of theirs appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir; there's some today

Q Has Milton Ikard been before the Commission to be identified as a Mississippi Choctaw? A Yes, I understand it so.

Q And a good many others previous to this day and today also? A Yes sir.

Q What kin is he to these children? A I don't know; some distant cousin.

Q He claims through George Tubb? A Yes sir.

Q Would you like to have their cases consolidated with his under the head of the consolidated case of Milton Ikard et al, together with the other relatives who all claim through George Tubb? A Yes sir.

Q Do these children speak the Choctaw language? A No sir.

Q Have you any other proof or evidence that you want to submit now in favor of their application? A No sir.

Q Want any time in which to introduce other testimony? A (Attorney for applicant says yes.)

Thirty days time from the date hereof, on motion of J.G.Ralls, counsel for these children, is allowed in which to present other proper evidence in support of this application for these two minor children.

- Q What is the personal appearance of George Newton Whipple? A --  
Q Does he look like a white boy or an Indian? A Like a white boy.  
Q Fair? A Yes sir.  
Q Blue eyes? A Yes sir and black hair, dark hair.  
Q What is the personal appearance of Pydia- A She is rather fair.  
Q Blue eyes? A Yes sir.  
Q Light complexion? A Yes sir.  
Q Brown hair? A Yes sir.  
Q What was your wife's father's name? A George W. Moore.  
Q Her mother's name? A Fannie Moore.  
Q Is George W. living? A No sir.  
Q Is Fannie living? A No sir.  
Q Which had the Choctaw blood? A George W. Moore.  
Q How much had he? A An eighth I think.  
Q These children are all your children, aren't they? A Yes sir.  
Q And your wife's name was Eliza Ann? A Yes sir.  
Q And her mother's name was Fannie? A Yes sir.  
Q Her father's name was George W. Moore? A Yes sir.  
Q If George W. had an eighth, Eliza Ann Whipple would have a sixteenth and the children one thirty second? A Yes 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 17, 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 10 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

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. 5225**

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**George N. Whipple,  
Care Frank C. Whipple,  
Waxahachie, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |



|                              |               |
|------------------------------|---------------|
| Mattie E. King, et al.       | M. C. R. 5727 |
| Anna Wambles, 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 Wimple, 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 |
| Belk 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  |
| Suewille 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, 1868 (30 Stats., 495), which is as follows:

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

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, Winward 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, Charles C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Adin 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, Corleia 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, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sanna 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, Mazy Moore, Annie May Moore, Graham Moore, Lyvone Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charney 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 Jan Singleton, Erwin Edward Singleton, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotey Godfrey, Leo 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, Ed Robinson, Eda Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Almer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Berne K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha E. Ikard, John M. Ikard, Etwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Su-willie Ikard Canuse, Coss 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, Nehie Ikard, L. Roe Ikard, Ethel Ikard, Myra Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Eda Harris, Cyru Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Dossella Cole, Anson T. Cole, Margurite Cole, Catharine Cole, Jennie O. Hupp, Thomas W. Hupp, William E. Steinback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Greer Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Lucile J. Tubb, Lutau 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 E. 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 land, 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."

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

Respectfully,

*James D. Dwyer*

Registered.

Chairman.

M. P. R. 5223

Muskogee, Indian Territory, May 1, 1905.

George N. Whipple,  
Care Frank C. Whipple,  
Waxahachie, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No.

5223

For Identification as a Mississippi Choctaw.

Date

Name Frank C. Whipple  
for 2 children of father  
Age 45 Blood white -

Post Office, Watahachie, Tex.  
Cherokee

Father: Frank C. Whipple d

Mother: Eliza Ann " 11/16 (d)  
children

Claims through mother - 11/16

wife's father

Geo W. Moore 11/8 d

wife's mother

Fannie " d

Children:

George Newton Whipple 11/30 15

Lydia Ella " 11/30 10

children of Eliza

Ann Whipple (d) 11/16

Claims for children

Choctaw MCR 5224

Fannie Sewell

See MCR 762

MCR 5224

5224

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

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In the matter of the application of Fannie Sewell for  
identification as a Mississippi Choctaw.

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Applicant represented by J. G. Ralls, Attorney.

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Fannie Sewell, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fannie Sewell.  
Q What is your age? A Fifty nine.  
Q What is your post office address? A Midlothian, Texas.  
Q How long have you lived there? A I've lived in Midlothian since last August; I been living close by there in Ellis County for thirty four years.  
Q You have been living in Ellis County thirty four years?  
A Yes sir.  
Q Where did you live before you lived in Ellis County Texas?  
A In Arkansas.  
Q Born in Arkansas? A No sir; born in Alabama.  
Q What place in Alabama? A Perry County.  
Q How long did you live in Perry County Alabama? A Eight years.  
Q And then you went where? A To Arkansas.  
Q And from there you went to Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A George Moore.  
Q What was 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 the Indian Territory? A Not that I know of.  
Q Have you the proof of the marriage of your father and mother with you? A No sir.  
Q Can you tell what and where they were married? A No sir.  
Q You can introduce that proof later can you? A Yes sir.  
Reasonable time will be given for that purpose.  
Q Are you married? A Yes sir.  
Q Is your husband living? A No sir.  
Q Have you any minor children you want to make application for? A No sir.  
Q You make application just for yourself do you? A Yes sir.  
Q Have you any children that are of age who are married who are to make application for themselves? A Yes sir; I have three -- one married.  
Q And your deceased husband was the father of those children?



- A Yes sir.
- Q What was his name? A John P. Sewell.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A 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 before this date 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 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 Not very well.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation in the year 1830; this treaty was made on the 27th day of September of that year; it was for the purpose of inducing as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to remove to the Choctaw Nation Indian Territory; before it could be signed it became known that a considerable number of 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 in the old Choctaw Nation 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 now? A Yes sir.

- Q Which one of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw - going back? A Lydia Moore. My grandmother; her father was George Tubb.
- Q Did he live in Mississippi in 1830? A I dont know sir.
- Q Did Lydia Moore live there then? A I dont know.
- Q Can you give the name of any Choctaw ancestor through whom you claim who did live in the old Choctaw Nation in 1830 and who was head of a family there then? A No sir.
- Q You never did hear? A No sir..
- Q Your father George Moore was born where? A In Alabama.
- Q Do you know what place in Alabama? A No sir I dont know.
- Q Was his mother named Lydia Moore? A Yes sir.
- Q Did she live in Alabama when her son George Moore was born? A Yes sir.
- Q How old would he be if living now? A My father?
- Q Yes. A He was born in 1818.
- Q Your father was born in 1818 in Alabama; he got his Choctaw blood from Lydia Moore so that she was living in Alabama in 1818 was she not? A I suppose so.
- Q Did he ever marry and live in Alabama? A Yes sir.
- Q Do you know whether he had any children in Alabama in 1830. A My father?
- Q Yes. A I was the only one.
- Q You are fifty nine? A I was a year old when I left there.
- Q And you had no older brothers and sisters born in Alabama? A No sir.
- Q But your mother Fannie Moore was born where? A She was born in Alabama.
- Q And your father George Moore was born there in 1818? A Yes sir.
- Q And his mother was Lydia Moore; therefore she was head of a family in Alabama at least in 1818. Do you know whether she was in 1830? A No sir; I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont 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 agency in Mississippi at that time and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont 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 dont know sir.

After the treaty of 1830 was ratified and after the Indians of the Choctaw Nation - most of them - had removed to the Choctaw Nation Indian Territory under that treaty, a considerable number of the tribe remained in the Choctaw Nation east of the Mississippi river and refused to go west of the Mississippi river under that treaty. Now those Indians who remained back there in the old Choctaw Nation and who wanted to take advantage of article fourteen of the treaty of 1830 were required if they wanted to take advantage of the article to go to the United States Indian agent whose name was Colonel Ward and who had an agency

in Mississippi in 1831 and tell him they wanted to stay in Mississippi, take land and become citizens of the states; a good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do 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 a great many complaints among the Indians so that in 1837 as a result of the complaints that were made Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This Commission was appointed by an act approved on March 3rd of the year 1837. In 1842 by an act approved August 23 of that year another Commission was appointed by Congress for the same purpose; this commission went also to Mississippi and heard claimants under that article of the treaty.

- Q Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States - or certificates as we would call them now - which entitled them to select land either in Mississippi Alabama Louisiana or Arkansas to take the place of land which they claimed they had occupied in Mississippi or in the old Choctaw Nation and which the government had taken from them and sold?
- A I dont know.
- Q This scrip was issued under an act of Congress approved August 23, 1842. Who was Milton Ikard - how related to you? A My grandmother and his mother were sisters.
- Q He has made application to be identified has he not as a Mississippi Choctaw? A Yes sir I think so.
- Q How would you like his case which is entitled the consolidated case of Milton Ikard et al., and also all the other cases of your relatives, to be taken in connection with your own case, that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any other evidence that you want to introduce now at this time? A Not that I know of.
- Q Would you like time? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other testimony in support of this application which she makes in her own behalf.

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

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This applicant has the appearance and physical characteristics of being descended from white parentage; has gray eyes, medium fair complexion, brown hair sprinkled with gray; she has no knowledge of the Choctaw language and no knowledge of any act of compliance on part of her ancestors with any of the provisions of article fourteen of the

Fannie Sewell--5--.

treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the seventeenth day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 29 day of April 1902.

*William J. Martin*  
Notary Public.

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. 5224

ALL GAINS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Fannie Sewell,  
Middlethian, 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 |
| Anna 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 |

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|------------------------------|---------------|
| 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, Ailine 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 Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Canuse, 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,

*Sam D. Doby.*

Registered.

Chairman.

M.C.R. 5224

Muskogee, Indian Territory, May 1, 1905.

Fannie Sewell,

Midlothian, 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. 7221

For Identification as a Mississippi Choctaw.

Date

APR 17 1902

Name Fannie Sewell.

Age 59 Blood 1/16

Post Office, Midtothian, Texas.

Father; George Moore, d.

Mother: Fannie " d.

Claims through father - -  
husband  
John P. Sewell, (d)

Children:

Claims for self alone.

Steno-

na Mitchell Wood

Choctaw MCR 5225

Irene Burleson

See MCR 762

MCR 5225

5. 25  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

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In the matter of the application of Irene Burleson  
for the identification of herself and her minor child R. D.  
Burleson as Mississippi Choctaws.

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Applicant represented by J. G. Halls Attorney.

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Irene Burleson being first duly sworn testified as  
follows:

Examination by the Commission:

- Q What is your name? A Irene Burleson.  
Q What is your age? A Twenty.  
Q What is your post office address? A Mountain Peak, Texas.  
Q How long have you lived up there? A Twenty years.  
Q Were you born at Mountain Peak? 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 Marcellus Moore.  
Q What is your mother's name? A Emma J. Moore.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much do you claim? A One thirty second.  
Q Has your father ever been recognized as a Choctaw or  
enrolled as one by the Choctaw tribal authorities or by  
the United States authorities in the Indian Territory?  
A No sir; not that I know of.  
Q Can you tell when and where your father and mother were  
married? A Mountain Peak.  
Q Mountain Peak Texas - when? A I dont know.  
Q Have you the proof of that marriage here now? A No sir.  
Q Has your father been before the Commission to be identi-  
fied as a Mississippi Choctaw. A To-day?  
Q No, any time? A No sir.  
Q Has he ever been before this Commission to be identified  
as a Mississippi Choctaw? A Yes sir.  
Q And was his marriage license and certificate filed by  
him at that time? A Yes sir.  
Q Are you married? A Yessir.  
Q Is your husband living? A Yes sir.  
Q And is a white man, not an Indian is he? A White man.  
Q What is his name? A Robert Burleson.  
Q You make no claim for him do you? A No sir.  
Q Have you any children you want to make application for?  
A One.  
Q What is the name? A R. D.  
Q And that is all the name? A Yes sir.  
Q Capital R and capital D - and that's all the name he  
has except Burleson? A Yes sir.  
Q Does R. mean anything? A Sir?  
Q Doesn't R. mean anything? A No sir.  
Q Don't D. mean anything? A No sir.  
Q How old is R. D. A Six weeks old.  
Q Is Robert Burleson the father of R. D. ? A Yes sir.  
Q And this child and your husband are living with you at  
your home? A Yes sir.

- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory, A 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 enrollment as a Choctaw Indian either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory. A No sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw and for the identification of your child 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; the object of the treaty was to remove all of the Choctaw Indians who lived in the old Choctaw Nation from that nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation Mississippi and Alabama article fourteen was put into the treaty; it was then signed and afterwards on the 24th day of February 1831 it was ratified.

That article is as follows:

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

Irene Burleson--3---

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw. A George Tubb.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830?
- A No sir; I dont know.
- Q How much Choctaw blood did George Tubb have? A Half I believe.
- Q What kin was he to you? A Great grand father.
- Q Did he live in Mississippi in 1830? A I dont know.
- Q Did you ever/hear that he did in the family? A No sir.
- Q Did any of your Choctaw ancestors ever to your knowledge live in Mississippi in 1830 and have a family of children there then? A No sir; not that I know of.
- Q You cant give the name of a head of a family who lived in Mississippi in 1830 or Alabama? A No sir.
- Q How do you know George Tubb lived in Mississippi? A I dont know it.
- Q Did your father Marcellus Moore live there? A No sir.
- Q How old is he now? A Fifty four.
- Q Where has he lived all this while? A Why he's lived at Mountain Peak for twenty five years.
- Q And before that where? A Arkansas.
- Q Was he born in Arkansas? A I dont know.
- Q He claimed through what parent - father or mother?
- A Father.
- Q And his father's name was what? A George Moore.
- Q Did he live in Mississippi? A I dont know.
- Q Or Alabama- do you know? A No sir.
- Q Dont know whether he lived in Mississippi in 1830? A No sir.
- Q Nor any other time? A No sir.
- Q He claimed through whom - father or mother - he claimed through Lydia - didn't he? A Yes sir?
- Q What was Lydia's name? A Tubb.
- Q What was her maiden name? A Moore.
- Q Lydia Tubb was her maiden name - she married Moore didn't she? A Yes sir.
- Q Her father's name was what? A George.
- Q George would be your great great grandfather wouldn't he?
- A Yes sir.
- Q How did any of those relatives that you have mentioned from yourself back to George Tubb your great great grand father live in Mississippi or Alabama at any time? A I dont know.
- Q You never heard any living soul say so? A No I dont believe I did.
- Q How do you expect to prove that you have Choctaw Indian blood from and ancestor who was a resident of the old Choctaw Nation in Mississippi and who complied with the provisions of article fourteen of the treaty of 1830 if you never heard of a Choctaw ancestor who lived in Mississippi or Alabama; you must prove that in order to prove a case; you never heard it did you? A I never heard it.
- 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 and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A How was that question?

Irene Burleson---4---

- Q Did any of your Choctaw ancestors go to the United States Indian Agent and tell him they wanted to stay in Mississippi? A No sir I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation west of the Mississippi river with the other Indians between 1833 and 1838 or '40? I dont 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 No sir; not that I know of.

In 1837 by an 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 under an act approved August 23 of that year Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed to hear those Choctaws who claimed they had gone before Colonel Ward within six months from the ratification of the treaty of 1830 and attempted to register their names with him but that he failed to put their names upon his list known as Ward's register; therefore these commissions were appointed to hear the just claims of those persons.

- Q Do you know if any of your Choctaw ancestors went before either of those two commissions and claimed any benefits as Choctaw Indians? A No.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government under an act of Congress approved August 23, 1842 which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of the land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold. Did you ever hear that?
- A No sir.
- Q Did you ever hear of Milton Ikard? A Yes sir.
- Q Can you tell what relation he is to you? A No sir; he's a cousin.
- Q He's made application to be identified as a Mississippi Choctaw before the Commission has he -- he's been before the Commission? A Yes sir.
- Q He claimed through George Tubb - is that the same George Tubb through whom you claim? A Yes sir.
- Q He must be some relation to you then - cant you tell the exact relationship? A No sir.
- Q You all came down from the same Tubb anyway didn't you?
- A Yes sir.
- Q Do you want to have his testimony considered with that of other relatives - your own case included -- of all claimants claiming through the same common ancestor - which is known as the consolidated case of Milton Ikard et al. -- all taken into consideration together? A Yes sir.
- Q Have you any other evidence you want to introduce now in support of this claim? A No sir.
- Q Is there anything more now you want to say? A No sir.
- Q Do you want any time to introduce proper testimony?

By attorney:

Yes sir we would like to have thirty days.



Irene Burleson-----5-----

By the Commission:

Thirty days time is allowed this applicant in which to introduce evidence in support of the claim she makes to be identified as a Mississippi Choctaw.

- Q Do you speak the Choctaw language? A No sir. This applicant has the appearance and physical characteristics of being descended from white parentage; has gray eyes; medium fair complexion; brown hair; has no knowledge of the Choctaw language and no knowledge of compliance of part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 29 day of April 1902.

*William J. Martin*  
Notary Public.

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. 5225

COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Irene Burlason,**

**Mountain Park, 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. F. 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  |
| Eila 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, Foyd 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, Fins 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, Maty 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, Alvin 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, Anna 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, Mazy Moore, Annie May Moore, Graham Moore, Evelyn 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, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotis 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 Watson, 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, Eda 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 Canuse, 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, Wilham E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Eda Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Dazella Cole, Anson T. Cole, Margurite Cole, Cadrine Cole, Jennie O. Hopp, Thomas W. Hopp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Anna Cole Spear, Elizabeth Spear, Mary Louise Spear, 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, Jane 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 D. Smith*

Chairman.

Registered.

K.C.R. 5225

Muskogee, Indian Territory, May 1, 1905.

Irene Burleson,

Mountain Peak, 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. 5225

For Identification, as a Mississippi Choctaw.

Date

APR 17 1902

Name *Jane Burleson.*

Age *20*

Blood *1/82*

Post Office, *Mountain Peak, Texas.*

Father: *Marcellus Moore, l. &*

Mother: *Emma J. " l. &*

Claims through *father*  
*husband*  
*Robert Burleson, l. w.*

*No claim for husband*

Children:

*R. G. Burleson, 6 w. m.*

*Claims for self &*  
*child -*

Stenographer

*Eta McIntosh Wood*



Choctaw MCR 5226

Itylene Posey

See MCR 762

MCR 5226

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

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In the matter of the application of Itylene Posey for the identification of herself and her three minor children Herman, Gerald and Earl Posey as Mississippi Choctaws.

---0---

Applicant represented by J. G. Palls, attorney.

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Itylene Posey being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Itylene Posey.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Mountain Peak, Texas.  
Q How long have you lived at Mountain Peak? A I was born there.  
Q What is your father's name? A Marcellus Moore  
Q Is he living now? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emma J. Moore.  
Q You claim through which parent - father or mother? A Father.  
Q How much Choctaw blood do you claim through him? A One thirty second.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir; no other time.  
Q Never has been recognized has he? A No sir.  
Q He appeared before the Commission to be identified today did he not? A Yes sir.  
Q As a Mississippi Choctaw; have you the proof of the marriage of your father and mother with you? A He gave it to you.  
Q It has been introduced in his application has it? A Yes sir.  
Q Would you like to have it referred to in the consolidated case----A Yes sir.  
Q Of Milton Ikard, et al.? A Yes sir.

Milton Ikard's case is here referred to --767 -- under which will be consolidated all the cases of applicants claiming from the same common ancestor George Tubb through whom this applicant will claim.

- 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 Homer H. Posey.  
Q Do you make any claim for him? A No sir.  
Q Have you any children you want to make application for?  
A Yes - three.

Itylene Posey--2--

- Q What is the name of the oldest? A Herman, Gerald and Earl.
- Q All boys? A Yes sir.
- Q How old is Herman? A He'll be four years old in August; he's three now.
- Q How old is Gerald? A Two.
- Q How old is Earl? A Six months.
- Q You claim for yourself and children? A Yes sir.
- Q Is Womer H. Posey the father of these children? A Yes sir.
- Q Are they living with you and your husband at your home?
- A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A No sir.
- Q You claim under that article dont you? A I claim under the article they all claim under.
- Q Article fourteen of the treaty of 1830? A Yes sir.
- Q You want to be identified as a Mississippi Choctaw dont you? 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 of that year. This treaty was made for the purpose of affecting the removal as far as practicable 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 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 put into the treaty; after it was inserted the treaty was signed and 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Do you mean did any of them come here before them.
- Q No, did they go before Colonel Ward in 1830, or before the Commissions appointed afterward there in Mississippi?
- 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 George Tubb.
- Q What kin was he to you? A My great great grandfather.
- Q He had how much Choctaw blood? A One half.
- Q Did he live in Mississippi in 1830? A I dont know.
- Q Did he live in Alabama in 1830? A I dont know but that's where they all started from - Alabama and Mississippi.
- Q Well now did he or any ancestor that you know anything about live in Mississippi or Alabama in 1830 and have a family there at that time? A I dont know.
- Q Dont know whether any of them were heads of families in Mississippi or Alabama at any time? A No sir.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A No sir.
- Q You claim through your father Marcellus Moore? A Yes sir.
- Q Where has he lived all his life? A He lived at Mountain Peak where he lives now about thirty four years and came from Arkansas there.
- Q He first lived in Arkansas? A Yes sir.
- Q Where was he born? A Arkansas.
- Q Went from Arkansas to Mountain Peak and stayed there?
- A Yes sir.
- Q He clid med through which parent - his father or mother?
- A His father.
- Q Where was his father born? A In Alabama.
- Q Where did he live all his life? A He come from Alabama to Arkansas and then to Texas.
- Q Did he die in Texas? A Yes sir.
- Q Did he live in Alabama in 1830? A I dont know.
- Q Did he claim through father or mother? A His mother Lydia Tubb.
- Q Who married Moore? A Yes sir.
- Q Now did Alex Moore and his wife Lydia Moore live in Alabama in 1830 and have children there? A I dont know.
- Q Did she claim through her father George Tubb? A Yes sir I think so.
- 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 dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in ~~that~~ year 1830 in the old Choctaw Nation? A I dont know.

Itylene Posey--4--

- 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 they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont 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 or '40.
- A I dont know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I dont know.

The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of 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 they wanted to stay in Mississippi, take land there and become citizens of the states; a good many Indians did this whose names Colonel Ward failed to put on his list known as Wards register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both the land and improvements; both were taken from them by the government and sold at its public land sales; this caused a good many complaints among the Choctaw Indians so that in 1837 by an act approved March 3 of 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 an act of Congress approved August 23, of that year; this commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors to you knowledge go before either of the Commissions - the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates issued by an act of Congress approved August 23 1842 which scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A I dont know.
- Q Who is Milton Ikard? A A cousin of mine.
- Q He has appeared before the Commission to be identified as a Mississippi Choctaw has he? A Yes sir.
- Q Do you want to have his case considered with yours?
- A Yes sir.
- Q Then do you want the cases of all of your relatives who claim through the same common ancestor consolidated with yours under the case of Milton Ikard, et al., as a consolidated case? A Yes sir.
- Q Have you any proof you want to introduce now? A No sir.
- Q Do you want any time? A Yes sir.

Thirty days time is allowed this applicant in which to

Itylene Posey--5--

introduce further proof in support of her application for identification as a Mississippi Choctaw.

- 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.

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This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, fair complexion, light brown hair; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830?

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 17 day of May 1902.

*William T. Martin*  
Notary Public.

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. 5226

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Itylene Posey,**

**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 Bureson, 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 |
| Uia 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  |
| Wilham 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. 0314 |
| Jesse C. Pendleton, et al.   | M. C. R. 0315 |
| Caswell A. Reynolds          | M. C. R. 0316 |
| Tucker R. Tierce             | M. C. R. 0317 |
| Louie T. Pendleton, et al.   | M. C. R. 0318 |
| Julius Watson, et al.        | M. C. R. 0319 |
| George R. Pendleton, et al.  | M. C. R. 0350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Bail, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron 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. Hearse, Mattie C. Hearse, Mamie E. Hearse, Oliver Kenton Hearse, Ludora Hearse, 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, Froy O. Petty, Fims 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, Iva

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, Ailina 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, Anna 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. Waltrio, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Mezy Moore, Annie May Moore, Graham Moore, Hykne Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charly 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, Fanni Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie 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, Joan Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Su willie Ikard Canuse, 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, Eda 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, George Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Lutes 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,

Registered.

Chairman.

M.C.R. 5226

Muskogee, Indian Territory, May 1, 1905.

Itylene Posey,

Mountain Peak, 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. 5226

For Identification as a Mississippi Choctaw.

Date

Name *Stylene Posey,*

Age *24* Blood  $\frac{1}{32}$

Post Office, *Mountain Peak, Texas,*

Father: *Marcellus Moore, l.*

Mother: *Emma J. Moore, l.*

Claims through *father - -*  
*husband*

*H. H. Posey, l. w.*

*No claim for husband*

Children:

*Herman Posey, 3*

*Gerard " 2*

*Earl " 6 m*

*Claim for self  
& children*

Stenographer *Clara Mitchell Wood,*

Choctaw MCR 5227

Fannie E. Wilson

See MCR 762

MCR 5227

5227

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

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In the matter of the application of Fannie E. Wilson for the identification of herself and her three minor children Johnnie Love, Mary Gladys and Ruby May Wilson as Mississippi Choctaws.

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Applicant represented by J. C. Ralls, Attorney.

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Fannie E. Wilson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fannie E. Wilson.
- Q What is your age? A Twenty four.
- Q What is your post office address? A Mountain Peak, Ellis County Texas.
- Q How long have you lived at Mountain Peak? A All my life.
- Q What is your father's name? A John P. Sewell.
- Q Is he living? A No sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Fannie Sewell.
- Q You claim through your father or mother? A Mother.
- Q How much Choctaw blood do you claim? A One thirty second.
- Q Was your mother ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Is he an Indian? A No sir.
- Q White man? A Yes sir.
- Q What is his name? A J. L. Wilson.
- Q You make no claim for him? A No sir.
- Q How many children have you? A Three.
- Q What is the name of the oldest? A Johnnie Love.
- Q Is that a boy or girl? A Girl.
- Q How old is she? A Six.
- Q Next? A Mary Gladys.
- Q How old? A She's four. Ruby May.
- Q Girl? A Yes sir.
- Q How old? A Two.
- Q You claim for yourself and children do you? A Yes sir.
- Q Is J. L. Wilson the father of these children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q And you and your husband live together as husband and wife? A Yes sir.
- Q And these children are all living with you at your home supported by him? 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 Indian Territory - it is'nt is it? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you 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 Has any application ever been made for citizenship in the Choctaw Nation for you or your children to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as Mississippi Choctaws claiming under article fourteen of the treaty of 1830 - you want to be identified dont you? A Yes sir.
- Q And do you claim 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; I've heard it repeated several times.
- Q Do you want it explained further? A No sir; I believe not.

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? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied with or attempted in any way to comply with article fourteen of the treaty of 1830? A No sir.
- Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw?
- A George Tubb,
- Q What relation was he to you? A Great great grandfather.
- Q How much Choctaw blood did he have? A One half.
- Q Did he live in Mississippi or Alabama? A I dont know.
- Q Did you never hear that he lived in either state? A I've heard - I believe.
- Q Where did you hear he lived? A I dont know where he



Fannie F. Wilson--3.

- lived.
- Q Did you ever hear he lived in Mississippi. A No sir I dont think I have.
- Q Can you give the name of any ancestor who lived in Mississippi or Alabama in the year 1830 in the old Choctaw Nation and was head of a family there then? A No sir
- Q You claim through your mother? A Yes sir.
- Q Did she ever live in Mississippi? A No sir.
- Q Where was she born and where is she living? A She was born in Arkansas and she lives now in Texas.
- Q She claimed through which parent father or mother? A Father
- Q His name was what? A George Moore
- Q Did he ever live in Mississippi or Alabama? A Lived in Alabama.
- Q Do you know when? A No sir.
- Q You dont know whether he lived there in 1830? A No sir.
- Q He claimed through which parent father or mother?
- A Mother.
- Q What's her name? A I dont know.
- Q Did she ever live in Mississippi or Alabama? A I dont know.
- Q What was her father's name? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation west of the Mississippi river? A I dont 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 dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the United States 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 the land which they had held in Mississippi and which the government had taken from them and sold? A No sir
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830 - claim that they had gone before the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and claimed the right to be identified as Mississippi Choctaws under article fourteen of that treaty and that he had refused to register their names?
- A No sir; I dont know.
- Q Who is Milton Ikard? A He's a cousin.
- Q He has been before the Commission to be identified has he?
- A Yessir.
- Q Do you want to have your case consolidated under the case of Milton Ikard et al., and all those who claim through the common ancestor, under the head of the consolidated case of Milton Ikard et al., M.C.R. 767? A Yes sir.
- Q Do you understand or speak the Choctaw language? A No sir.

Fannie E. Wilson--4----

- Q Have you any other evidence you would like to introduce now? A No sir.  
Q Do you want time in which to introduce proper evidence?

By attorney:

We would like thirty days .

Thirty days is allowed on motion of J. G. Balls attorney for applicants, in which to introduce further evidence.

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

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This applicant has the appearance and physical characteristics of being descended from white parentage, medium fair complexion, gray eyes brown hair; does not understand the Choctaw language; has no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

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*Clara Mitchell Wood*

Subscribed and sworn to before me this 1st day of May 1902.

*William J. Martin*  
Notary Public.

M C R 5227

Muskogee, Indian Territory, April 2, 1903.

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

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Fannie E. Wilson, and that of the attending physician, J. F. Son, relative to the birth of Nellie Blanche Wilson, March 11, 1903. The same have been filed with the records of the Commission.

Respectfully,

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. 5227

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Fannie E. Wilson,**

**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. Hearse, 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, Colcta 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, Iybone 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).

*James D. Dixby.*

Chairman.

Registered.



W.C.B.

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

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

|                                  |
|----------------------------------|
| REFER IN REPLY TO THE FOLLOWING: |
| M. C. R. 5227                    |

WM. O. BEALL,  
Secretary.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

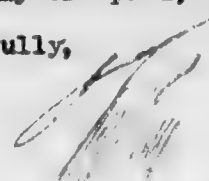
Muskogee, Indian Territory, May 1, 1905.

Fannie E. Wilson,  
Mountain Peak, 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, 1905.

Respectfully,



Chairman.

5227

*IN RE*

Application for Enrollment of  
Infant Child,

*Nelli Blanche Wilson,*

as a citizen of the  
**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW** Nation.

Approved, 190 .

COMMISSIONER.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
APR 2 1903

*[Handwritten signature]*

*[Handwritten initials]*

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Choctaw Nation.  
of Nellie Blanche Wilson, born on the 11 day of March, 1903.  
Name of Father: Judson L. Wilson, a citizen of the Choctaw Nation.  
Name of Mother: Fannie E. Wilson, a citizen of the Choctaw Nation.  
Postoffice, Ardenwood, Okla. Ter.

AFFIDAVIT OF MOTHER.

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

I, Fannie E. Wilson, on oath state that I am 24 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Judson L. Wilson, who is a citizen, by marriage, of the Choctaw Nation; that a female child was born to me on the 11 day of March, 1903; that said child has been named Nellie Blanche Wilson, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8 day of March, 1903.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

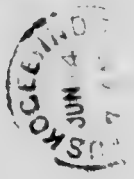
I, J. F. Don, a Physician, on oath state that I attended on Mrs. Fannie E. Wilson, wife of Judson L. Wilson on the 11 day of March, 1903; that there was born to her on said date a Female child; that said child is now living and is said to have been named Nellie Blanche Wilson.

WITNESSES TO MARK.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18 day of March, 1903.

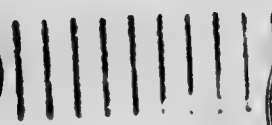
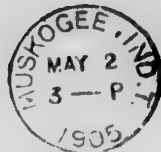
NOTARY PUBLIC.



JUN 16 1905



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



*Hand*

5427

Fannie E. White



~~Mountain Peak, Texas.~~

~~\_\_\_\_\_~~ *J. T.*

No. 5122

For Identification as a Mississippi Choctaw.

Date July 1, 1902

Name Fannie E. Wilson

Age 24 - Blood 1/32

Post Office, Mountain Peak, Tex.

Father: John P. Sewell, d

Mother: Fannie " l.

Claims through mother  
husband J. L. Wilson, l.w.

No claim for  
husband

Children:

Johnnie Love Wilson, 6 (F)

Mary Islady's " F. 4

Ruby May " (F) 2

claim for self &  
children

Stenographer Olson Mitchell Wood

Choctaw MCR 5228

Sallie W. Roberts

See MCR 762

MCR 5228

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

---0---

In the matter of the application of Sallie W. Roberts  
for the identification of herself and her minor child Savola  
Roberts as Mississippi Choctaws.

---0---

Applicant represented by J. G. Palls, Attorney.

---0---

Sallie W. Roberts being first duly sworn testified  
as follows:

Examination by the Commission:

- Q What is your name? A Sallie W. Roberts.  
Q What is your age? A Eighteen.  
Q What is your post office address? A Mountain Peak Texas.  
Q How long have you lived at Mountain Peak? A All my life.  
Q What is your father's name? A F. C. Whipple.  
Q What does F. stand for? A Frank.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name. A Eliza Moore. Eliza Whipple.  
Q No middle name? A Eliza E.  
Q You claim through which parent - father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One-thirty second.  
Q Has your mother ever been recognized in any way or enrolled  
as a member of the Choctaw tribe of Indians by the  
Choctaw tribal authorities or the United States authori-  
ties in 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.  
Q White man? A Yes sir.  
Q What is his name? A F. S. Roberts.  
Q Do you make any claim for him? A No sir.  
Q How many children have you? A One.  
Q What 's the name of that child? A Savola.  
Q S-----? A S-a-v-o-l-a.  
Q Girl? A Yes sir.  
Q How old? A Ten months.  
Q Is F. S. Roberts the father of t this child? A Yessir.  
Q Have either you or he ever been married before you married  
each other? A No sir.  
Q And you are all living together now? A Yes sir.  
Q You claim for yourself and child? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw  
Nation in Indian Territory. A No sir.  
Q Have you ever made application for citizenship in the  
Choctaw Nation to the Choctaw tribal authorities in Indian  
Territory? A No sir.  
Q Have you ever made application for citizenship in the  
Choctaw Nation to the Dawes Commission under the act of  
Congress of June 10, 1896? A No sir.



Sallie W. Roberts--2.

- 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 This is the first application you have ever made for citizenship in the Choctaw Nation to any authority whatever. A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of this child as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you ~~xxx~~ understand that article of the treaty? A Yes sir.
- Q Dont care to have it explained further? A No sir.

It reads as follows:

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

- Q Do you think you understand that? A Yes sir.
- Q Did any of your Choctaw ancestors comply with that article of that treaty? A I dont know.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified? A George Tubb.
- Q What relation to you? A Great great grand father I reckon.
- Q How much Choctaw blood did he have? A Half.
- Q Did he live in Mississippi or Alabama in 1830? A I dont know.
- Q You never heard where he lived? A No sir.
- Q Nor where he died? A No sir.
- Q Nor where he was born? A No sir.
- Q Did you ever hear of any Choctaw ancestor of yours who had lived in that old Choctaw Nation? A No sir.
- Q You dont know of one ancestor who was head of a family in Mississippi or Alabama in 1830? A No sir.
- Q You claim through your mother? A Yes sir.
- Q How old would she be if living now? A She was born in '54.
- Q Where? A In Arkansas.
- Q She claimed through her father or mother? A Her father.
- Q Where was he born? A In Alabama.
- Q Removed to what state? A To Arkansas.
- Q Do you know how old he was when he went to Arkansas?
- A No sir.

Sallie W. Roberts--3--.

- Q Do you know when he died? A In '90.
- Q How old was he when he died? A I dont know.
- Q Where did he die? A Mountain Peak.
- Q He claimed through whom- father or mother? A I dont know.
- 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 dont know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 fo to the United States Indian Agent Colonel Ward, tell him they wanted to stay in Mississippi take land there and become citizens of the States? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory between 1833 and 1838 or '40? A I dont know.
- Q Did any of your Choctaw ancestors to your knowledge own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know
- Q The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of the treaty of Dancing Rabbit Creek were required to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty, tell him they wanted to stay in Mississippi take land there and become citizens of the states; a good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register; his neglect to do this caused a good many Indians who had land in the old Choctaw Nation in Mississippi to have their land and improvements taken from them by the government adns sold at its public land sales; this caused a great deal of distress among the Choctaw Indians and a good many complaints were made by those who lost their land so that in 1837 by an act approved March 3 of 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 f by Congress for the same purpose under an act approved August 23 of that year and this commission also went to Mississippi and heard claimants under article fourteen of that treaty.
- Q Did any of your Choctaw ancestors go ~~ixen~~ before either of those commissions - the commission of 1837 or 1842 and claim benefirs as choctaw Indians? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government under an act of Congress approved August 23 1842 which scrip entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly heldin Mississippi and which the government had taken from them and sold at its public land sales? A I dont know.
- Q This scrip was issued to Choctaw Indians who proved their rights under article fourteen of that treaty; who also proved that they had had land in Mississippi which the government had taken from them and sold.
- Q Who was Milton ~~Edward~~? A He's a cousin of mine I think.
- Q He's been before the Commission has he not to be identified
- A Yes sir.

Sallie W. Roberts--4--

- Q And your other relatives have appeared here today and other days? Do you want to have the records in all these cases and yours consolidated under Milton Ikard, et al., case 767? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence you want to present now in support of this claim? A No sir.
- Q Do you want time in which to present testimony? A Yes.

By attorney: We would like thirty days.

Thirty days is given on motion of J. G. Ralls, attorney, in which to introduce further proof.


- Q Have you any witnesses that you want to call before the Commission to testify in your case? A No sir.
- Q And nothing more you want to say? A No sir.
- Q

---

This applicant has the appearance and physical characteristics of being descended from white parentage; fair complexion, brown eyes, brown hair; she does not understand the Choctaw language; has no knowledge of compliance on part of her ancestors with the provisions of article fourteen of the treaty of 1830?

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



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

*William J. Martin*  
Notary Public.

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. 5228

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Sallie W. Roberts,**

**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  |
| Suewille Ikard Camuse         | M. C. R. 784  |
| Cleo Ikard Harris, et al.     | M. C. R. 781  |
| Lucile Ikard                  | M. C. R. 786  |
| William S. Ikard, et al.      | M. C. R. 5718 |
| Milton Ikard, et al.          | M. C. R. 767  |
| William E. Ikard, et al.      | M. C. R. 760  |
| Ella Harris, et al.           | M. C. R. 4894 |
| Sallie E. Johnson             | M. C. R. 5237 |
| Thomas J. Cole, et al.        | M. C. R. 5075 |
| Jennie O. Hipp, et al.        | M. C. R. 5134 |

|                              |               |
|------------------------------|---------------|
| William E. Stainback         | M. C. R. 4831 |
| Thomas G. Cole, et al.       | M. C. R. 5074 |
| Alma Cole Speer, et al.      | M. C. R. 5140 |
| Clyde Orr                    | M. C. R. 5139 |
| Lu Blakeney, et al.          | M. C. R. 5138 |
| Beulah D. Herrin             | M. C. R. 5238 |
| Caleb G. Tubb, et al.        | M. C. R. 4338 |
| Mattie A. Tubb Johnson       | M. C. R. 4333 |
| James F. Tubb, et al.        | M. C. R. 4340 |
| Daniel W. Tubb               | M. C. R. 4343 |
| Lucius J. Tubb, et al.       | M. C. R. 4344 |
| Mary I. Sawyer, et al.       | M. C. R. 4332 |
| William F. Pendleton, et al. | M. C. R. 6314 |
| Jesse C. Pendleton, et al.   | M. C. R. 6315 |
| Caswell A. Reynolds          | M. C. R. 6316 |
| Tucker R. Tierce             | M. C. R. 6317 |
| Louie T. Pendleton, et al.   | M. C. R. 6318 |
| Julius Watson, et al.        | M. C. R. 6319 |
| George R. Pendleton, et al.  | M. C. R. 6350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Ball, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron Moore, et al.          | M. C. R. 6501 |

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iryne Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Bureson, R. D. Bureson, 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, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clote 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, Asaer 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, Suswille Ikard Camuse, Cies 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, Myra 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. Hupp, Thomas W. Hupp, William E. Stambaek, 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, Cassell A. Reynolds, Tusker 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, Hatlie 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,

*Wm. H. H. H. H.*

Registered.

Chairman.



M. C. R. 5228

Muskogee, Indian Territory, May 1, 1905.

Sallie W. Roberts,  
Mountain Peak, 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. 5228

For Identification as a Mississippi Choctaw.

Date

Name Sallie W. Roberts,

Age 18 - Blood  $\frac{1}{32}$

Post Office, Mountain Peak, Tex.

Father: Frank C. Whipple, l.

Mother: Eliza E. " d.

Claims through mother  
husband  
T. S. Roberts, l. w.

No claim for  
husband -

Children:

Savola Roberts, (F), 10m

Claims for self &  
chieve

Stenographer Clara Mitchell, Wood

Choctaw MCR 5229

Alice M. Godfrey

See MCR 762

MCR 5229

5724

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

---0---

In the matter of the application of Alice Godfrey for the identification of herself and her three minor children William Penn, Ralph Duncan and Clotee Godfrey as Mississippi Choctaws.

---0---

Applicant represented by J. G. Ralls, Attorney.

---0---

Alice Godfrey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alice M. Godfrey.  
Q What is your age? A Forty five.  
Q What is your post office address? A Mountain Peak, Ellis County Texas.  
Q How long have you lived at Mountain Peak? A All my life.  
Q Born there? A I was four years old when I came there.  
Q Where were you born? A In Arkansas.  
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 W. Moore.  
Q What was your mother's name? A Fannie Moore.  
Q No middle initial? A No sir.  
Q You claim through your mother? A Yes.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Was your mother ever enrolled as a Choctaw Indian or recognized as such by the Choctaw tribal authorities or the United States authorities? A No sir.  
Q Are you married? A Yes sir.  
Q Husband living? A Yes sir.  
Q Is he a white man or Choctaw Indian? A White man.  
Q What is his name? A Jim Godfrey.  
Q Do you make any claim for him? A No sir.  
Q Have you any children under twenty one years of age and unmarried you want to make application for? A Yes sir.  
Q How many? A Three.  
Q Unmarried? A Yes sir.  
Q What is the name of the oldest? A William Penn Godfrey.  
Q How old is he? A Nineteen.  
Q The next? A Ralph Duncan Godfrey.  
Q How old is he? A He's ten.  
Q The name of the next? A Clotee Godfrey.  
Q How old? A He's eight.  
Q You claim for yourself and children do you? A Yes sir.  
Q Is Jim Godfrey the father of these children? A Yes sir.  
Q Are they all living with you at your home, and your husband? 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 names of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.  
Q You are not enrolled are you? A No sir.

Alice Godfrey--2.

- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities, in Indian territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and children? 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 this Commission to be identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I understand it I think; I've heard you repeat it.
- Q You understand its purpose do you? A Yes sir.
- Q You dont think you would care for any further explanation? A No sir.
- Q Do you care for it to be explained any more.
- A No sir.

It reads as follows:

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

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty that you know of? A A I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A George Moore.
- Q What relation was George Moore to you? A My fat her.
- Q You claim back further than George Moore? A George Tubb I should have said.
- Q What relation was he to you? A My great grand father.
- Q Did that name Tubb come from a portion of a Choctaw Indian name? A I dont know.
- Q Do you know of any name Tubbee in the Choctaw language?

- A No sir.
- Q Its the termination of a great many names ; means to kill and is ~~used~~ as the male termination of a great many Choctaw ~~names~~ - Mushalatubbee and others like that; you dont know whether that name Tubb was derived from the termination of some Indian name? A No sir I dont know.
- Q How old would he be if living do you know? A I dont know.
- Q Was he born in Mississippi or Alabama? A He was born in Alabama.
- Q Do you know when in Alabama? A No I dont know.
- Q Did he live in Alabama or Mississippi in the year 1830? A I dont know.
- Q Dont know if he was a head of a family there in either place? A No sir.
- Q Do you know if he afterwards lived in either Alabama or Mississippi later on in his life? A Yes I've heard them say he did.
- Q Say he lived where? A In Alabama.
- Q Later in life? A I dont know.
- Q You heard them say he lived there some time; you dont know when? A No.
- Q Do you claim through your mother? A I claim through my father. I made a mistake a while ago.
- Q Your father is dead? A Yes sir.
- Q How old would he be if living now? A I dont know; he was born in 1818.
- Q Where was he born? A In Alabama.
- Q Did he live in Alabama in 1830? A I dont know.
- Q He would be then a boy twelve years of age? What was his father's name? A George Moore.
- Q Did he get his blood from his mother or father? A He got his blood from his mother.
- Q Your father got his blood through your grandmother - his mother. A Yes sir.
- Q Did she live in Mississippi in 1830 or Alabama? A I dont know whether she did or not.
- Q It will be necessary not only in your application but in the applications of all others who have appeared today claiming through the same common ancestor to show they had an ancestor who had Choctaw blood and who lived in the state of Mississippi and not only who lived in the state of Mississippi but who lived there in the year 1830 who was head of a family at that time, and further as head of a family lived in Mississippi or Alabama; I mean in the old Choctaw Nation and complied with the provisions of article fourteen of the treaty of 1830. Are you able to show any such compliance as that on part of George Tubb?
- A No sir; I dont know.
- Q You dont know whether he owned or any of your ancestors owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward, tell him they wanted to stay there, take land and become citizens of the states? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 ; did you ever hear? A I dont 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 dont know .

Alice Godfrey--4.

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 gone to the Choctaw nation west of the Mississippi river under that treaty, were required if they wanted to stay back in the old Choctaw Nation and take advantage 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 they wanted to stay in Mississippi take land there and become citizens of the 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 a result of his failure to do so a great many Indians who had land in the old Choctaw Nation in Mississippi upon which they had improvements had both their land and the improvements 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 3 of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under that article of the treaty; in 1842 another commission was appointed by Congress under an act approved August 23 of that year and this commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of those two commission that of 1837 or 1842 and claim any benefits as Choctaw Indians under article fourteen of that treaty? A I dont 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 pancing Rabbit Creek; and if it also further appeared that he had had land in the old Choctaw nation 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 get any such scrip as this from the government as Choctaw Indians.

A I dont know.

Q How is Milton Ikard related to you; is he any relation?

A No.

Q He claims through George Tubb and all those who have made application today claim from George Tubb and they claim that Milton Ikard is a relative of theirs; do you know anything about that? A No sir; I dont know anything about it.

Q As he claims from George Tubb and these others all say he is related to them he must be related to you? A Yes sir; but I dont know what kind. George Tubb was my great great grandfather.

Q I mean Milton Ikard. A He's a cousin.

Q Do you want to have his testimony and the testimony of those who claim through George Tubb to be consolidated under his name; the name of Milton Ikard et al so that all may be considered together? A Yes sir.

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

Alice Godfrey--5.

- Q Have you any other evidence or testimony that you want to introduce now in support of this claim? A No sir.
- Q Do you want any time in which to introduce other testimony?

By Attorney:

We would like thirty days time.

Thirty days time is allowed this applicant in which to introduce further proof in support of this application which she makes for herself and children.

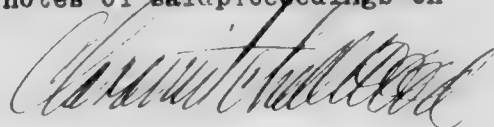
- Q Is there anything more you want to say ? A No sir.

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The applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, fair complexion, brown hair; has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



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

*William J. Martin*  
Notary Public.



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

**Y.C.R. 5229**

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Alice W. Godfrey,  
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. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |               |
|-------------------------------|---------------|
| Mattie E. King, et al.        | M. C. R. 5727 |
| Anma 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, 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, Hybanc 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, Su-willie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Leo Davis Ikard, Sallie L. Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Battie 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. Hoop, 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,

*James D. Dineen*

Chairman.

Registered. \_\_\_\_\_

M. T. R. 5229

Muskogee, Indian Territory, May 1, 1905.

Alice Godfrey,  
Mountain Peak, 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. 5229

For Identification as a Mississippi Choctaw.

Date APR 17 1902

Name Alice M. Godfrey -

Age 45 - Blood 1/16

Post Office, Mountain Peak, Tex.

Father: George W. Moore, d

Mother: Fannie, d

Claims through <sup>father</sup> ~~mother~~   
husband Jim Godfrey - l. w.   
No claim for husband

Children:

William Penn Godfrey, 19

Ralph O. " 10.

Clotie " 8

Claims for herself  
and children

Stenographer Clara Motric Wood

Choctaw MCR 5230

Ula Rebecca Moore

See MCR 762

MCR 5230



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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

-----:-----

In the matter of the application for identification  
as a Mississippi Choctaw of Ula Rebecca Moore.

-----:-----

Applicant represented by J. G. Falls, Attorney.

-----:-----

Ula Rebecca Moore being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ula Rebecca Moore.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Shive, Texas.  
Q How long have you lived there? A Eighteen years.  
Q Where were you born? A In Ellis County. Mountain Peak  
Q And have always lived in Texas? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Benjamin Franklin Moore.  
Q And your mother's name is what? A Rowena J. Moore.  
Q You claim through which parent - father or mother? A  
Q Father.  
Q How much Choctaw blood do you claim? A One thirty second.  
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 the proof of his marriage with you? A Yes sir.  
Q You have it here yourself? A It's here in the crowd.  
Q In whose case will it be filed? A I suppose my father  
has it.  
Q Has he made application himself? A No sir.  
Q He is to make application? A Yes sir.  
Q Then it will be filed in the case of Benjamin F. Moore  
and referred to in your application. You are not married?  
A No sir.  
Q And claim for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw  
Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the  
Choctaw Nation to the Choctaw tribal authorities in Indian  
Territory? A No sir.  
Q Have you ever made application for citizenship in the  
Choctaw Nation to the Dawes Commission under the act  
of Congress of June 10, 1896? A No sir.  
Q Have you ever made application to the Dawes Commission  
any time subsequent to that date and before this appli-  
cation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw  
Nation by the Choctaw tribal authorities, the Commission  
to the Five Civilized Tribes or the United States Court  
in the Indian Territory? A No sir.  
Q Do you now come before the Commission to identify your-  
self as a Mississippi Choctaw claiming under article four-  
teen of the treaty of 1830? A Yes sir.

- Q Do you underst and that article of that treaty? A I've heard it explained several times; I think I do.  
Q You dont think its necessary to explain it further. A No sir.

It reads as follows:

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

- Q Did any of your Choctaw ancestors comply in any way or attempt to comply with the provisions of that article of that treaty? A Not that I know anything about.  
Q What is the name of your ancestor that you claim through?  
A George Tubb.  
Q And he was how related to you? A Great great grandfather.  
Q How much Choctaw blood did he have? A One half.  
Q Did he speak the Choctaw language or have a Choctaw Indian name? A I've been told that he had a Choctaw Indian name, which was Pa-tubbee.  
Q Do you know whether that name Tubb is a part of his Indian name of Tubbee? A I dont know it but I think so.  
Q I dont know the meaning of the word "Pa" but I know "Tubbee" means to kill and was usually added on to an Indian name to show that he had some manly quality, as that of a warrior or hunter - showing how he slew his enemy or game; but you dont know about that? A No sir  
Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I've been told he lived in Mississippi at some time; I dont know whether it was that time or not..  
Q Did you ever hear he lived in Alabama? A Yes sir; I've been told he lived in Alabama; I dont know. I dont know when it was.  
Q You dont know whether he was married and head of a family in either Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir.  
Q How old would he be if livi ng now? A I dont know.  
Q How old is Benjamin F. Moore now? A Fifty two.  
Q Where was he born? A Arkansas.  
Q He lived in the old Choctaw Nation in Mississippi or Alabama  
A No sir.  
Q He claimed through his father or mother - which? A Through his father.  
Q Did his father live in Mississippi or Alabama? A I dont know

- Q How old would his father be if living now? A I dont know.
- Q Did his father claim through Lydia Moore? A Yes sir.
- Q She was your great great grandmother? A Yes sir.
- Q Did she ever live in the old Choctaw Nation Mississippi or Alabama? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements or claim any improvements on land in Mississippi or Alabama in 1830? A I dont know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation west of the Mississippi river with the other Indians between 1833 and 1838 under the treaty of 1830? A I dont 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 dont know.
- Q After the treaty of 1830 was ratified within a few years after - a great many Indians went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; they were removed at the expense of the United States government; but a great many Indians stayed back in the old Choctaw Nation east of the Mississippi river; those Indians if they wanted to take advantage of article four teen of the treaty of 1830 were required to go to the United States Indian Agent within six months from the ratification of the treaty and tell him 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 the Indian agent failed to put upon his list known as Wards register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3 of that year Congress appointed a commission; this commission went to Mississippi and heard claimants under that article of that treaty; in 1842 Congress appointed another commission for the same purpose; this commission went to Mississippi and heard claimants under article fourteen of that treaty.
- Q Did any of your Choctaw ancestors go before either of those two commissions and claim any benefits as Choctaw Indians? A I dont know whether they did or not.
- Q Did any of your Choctaw ancestors receive any scrip or certificates issued to Choctaw Indians under the provisions of an act of Congress approved August 23 1842 which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which had been taken from them by the government? A I dont know, whether they did or not.
- Q Who is Milton Ikard? A A cousin.
- Q He has appeared before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have his case considered with yours and

Ula Rebecca Moore--4.

and with the other cases of relatives who have appeared to be identified all claiming through George Tubb as the consolidated case of Milton Ikard et al? A Yes sir.

Number 767 is here referred to.

- Q Have you any other evidence you want to introduce at this time? A No sir.  
Q Do you want time in which to produce that testimony?  
A Thirty days.

Thirty days time is allowed this applicant in which to introduce further testimony if she desires in support of this application.

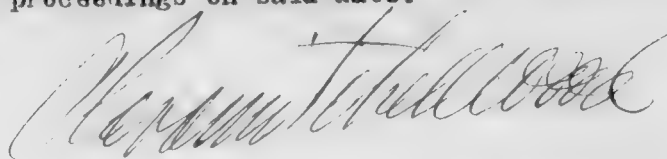
- Q Do you speak the Choctaw language? A No sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; fair complexion; brown hair; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of April 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 5th day of May 1902.

*William S. Martin*  
Notary Public.

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

Y. C. R. 5230

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Ula Rebecca Moore,

Slave, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |               |
|-------------------------------|---------------|
| Mattie E. King, et al.        | M. C. R. 5727 |
| Amma Wamble, et al.           | M. C. R. 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 Burlison, 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, Mattie 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, Amina 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 Bureson, R. D. Bureson, 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, Sueswille 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, Davolla Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hoop, 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, Hattie 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,

  
Chairman.

Registered.

M.C.R. 5230

Muskogee, Indian Territory, May 1, 1905.

Ula Rebecca Moore,  
Shive, 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. 5230

For Identification as a Mississippi Choctaw.

Date

APR 11 1900

Name *Kla Rebecca Moore*

Age *22* - Blood *1/32*

Post Office, *Shive, Texas*

Father: *Benjamin T. Moore* l.

Mother: *Rosena J. "* l.

Claims through *father*

~~Children:~~

*Claims for self  
alone. -*

Stenographer *Clara Miletta Wood*

Choctaw MCR 5231

Benjamin F. Moore

See MCR 762

MCR 5231

5231  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 17, 1902.

-----:-----

In the matter of the application of Benjamin F. Moore for the identification of himself and his four minor children, Volney, Charlie B., Maggie May and Fannie Lee Moore as Mississippi Choctaws.

-----:-----

Applicant represented by J. G. Ralls, Attorney.

-----:-----

Benjamin F. Moore being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin F. Moore.  
Q What is your age? A Fifty two.  
Q What is your post office address? A Shive Texas.  
Q How long have you lived there? A About eighteen years.  
Q Where were you born? A Arkansas.  
Q Did you remove from Arkansas to Texas? A Yes sir.  
Q Where did you live in Texas most of the time? A IN Ellis County sixteen years.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A George W. Moore.  
Q What was your mother's name? A Fannie Moore.  
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 by the Choctaw tribal authorities or the United States authorities? A No sir not that I know of.  
Q Have you the proof of the marriage of your father and mother with you? A No sir.  
Q Can you introduce the proof of the marriage of your father and mother later? A Yes sir.  
Q Can you tell when and where they were married? A No sir; I cant tell when; they were married in Alabama.  
Q Where in Alabama? A IN Perry County I think.  
Q By a minister under a license? A I dont know sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Rowena J. Moore.  
Q Is she a white woman or Indian? A White woman  
Q Do you claim for her? A No sir.  
Q Give me the name of the oldest child under age and unmarried  
A Volney Moore; he's nineteen I t hink.  
Q Boy? A Yes sir.  
Q The next? A Charlie B.  
Q How old? A Fourteen.  
Q Next? A Maggie May.  
Q How old? A Twelve.  
Q The next? A Fannie Lee. She's four.  
Q You claim for yourself and children do you? A Yes sir.  
Q Is Rowena your wife the mother of these children? A Yessir.  
Q Were either she or you married before you married each

other? A No sir.

- Q Are you and your wife living together as husband and wife and these children living with you? A Yes sir.
- Q When and where were you married to her? A IN Ellis County.
- Q Have you your license here or a copy of it? A Yes sir.

A certified copy of the marriage license of B. F. Moore and Lorena J. Singleton is presented by this applicant, filed marked exhibit A and made a part of the record in this case.

- Q B. F. Moore is the same as Benjamin F. Moore, and is your name? A Yes sir.
- Q And Lorena should be Rowena in the license? A Yes sir.
- Q This Rowena J. Singleton is your wife's maiden name? A Yes sir.
- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation Indian Territory to 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 been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do very well.

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 adj. 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."

Benjamin F. Moore--3.

- Q Did any of your Choctaw ancestors comply with or attempt to comply with any of the provisions of article fourteen of that treaty? A I think so; yes 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 .
- Q Did he live in Mississippi in 1830 and have a family therethen? A I've heard he did.
- Q He was head of a family in Mississippi in 1830 or Alabama? A I have heard in Mississippi.
- Q What did he do to comply with article fourteen of the treaty of 1830? A I dont know sir; dont know much about that.
- Q How old would he be if living now? A I cant tell you that.
- Q Did he have a Choctaw Indian name? A Yes sir.
- Q What was it? A Tubbee - I believe; La-tubbee or something. I think that's what it was. That's what I've heard; I dont know.
- Q Do you claim through your father? A Yes sir.
- Q Did he live in Mississippi or Alabama? A He lived in Alabama.
- Q Where; do you know? A Parry Cunty.
- Q Where did he die? In Texas? A Yes sir.
- Q How old was he when he died? A Seventy four years old.
- Q He died how long ago? A It's been four years I reckon; maybe five; I cant say when he did die. He would be seventy eight years old if living now; he was born in 1818.
- Q He would be about eighty four years old now wouldn't he? A Yes sir.
- Q Where was he born? A I think he was born in Alabama; I dont know about that, now; I know he was married there but I wont say positive whether he was born there or not.
- Q Was he living in Alabama in 1830 and was he the head of a family there then? A I dont know sir.
- Q Who was his mother - Lydia Moore? A Yes sir.
- Q If your father George W. Moore was born in Alabama in 1818 and his mother Lydia Moore was the daughter of George Tubb what do you think about George W. Moore having a family in 1830 or his mother Lydia being married in 1830 and having a family there then or his grandfather George Tubb having a family there then - which one did have a family there then? A I dont know sir.
- Q Did any of your Choctaw ancestors own any improvements on hand in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward, tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know 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 '40? A I dont 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 dont know.

The Indians who stayed back 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 the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification

Benjamin F. Moore--4--:

of the treaty, tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Indians did this whose names Colonel Ward failed to place upon his list known as Wards register and his failure to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold. This caused so many complaints that in 1837 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; 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?  
A I dont know sir.  
Q Did any of them receive any scrip or certificates from the government which entitled them to select land in Mississippi ~~or~~ Alabama Louisiana or Arkansas to replace land which the government had taken from them and sold  
A I dont know.

This scrip was issued under an act of Congress approved August 23, 1842 and was given them who proved compliance with article fourteen and also proved that the government had taken land from them in Mississippi.

- Q Who was Milton Ikard ? A Second cousin of mine.  
Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.  
Q And a great many others not only today but previous to this day? A Yes sir  
Q All claiming through George Tubb? A Yes sir.  
Q Would you like to have your case with the other cases of your relatives claiming through George Tubb consolidated under the head of Milton Ikard et al, M.C.R. 767? A Yes sir.  
Q Have you any other evidence you want to introduce now?  
A No sir.  
Q Do you want time? A Thirty days.  
Thirty days time is allowed this applicant in which to introduce further testimony in support of this application.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q Is there anything more that 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 dark complexion; black hair; he does not speak or understand the Choctaw language; has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.



Benjamin F. Moore--5--

Clara wittchell Wood being first duly sworn upon her oath states that as stenographer for the Commissione the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara wittchell Wood*

Subscribed and sworn to before me this 5th day of May 1902.

*William J. Martin*  
Notary public.

Miss. Choctaw 5231

Muskogee, Indian Territory, May 6, 1902.

T. J. Cole,

Waxahachie, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3, inclosing certified copy of the marriage license and certificate between George W. Moore and Frances Reed, which is offered in support of the application for identification as Mississippi Choctaws of Benjamin F. Moore, et al., and the same has been filed with the record in this case and will receive consideration in the disposition of the applications of those persons claiming as descendants of George W. Moore and Frances Reed.

Yours truly,

Commissioner in Charge.

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

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5231

ALLISON L. AYLESWORTH,  
SECRETARY

ATTENTION ONLY IF  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Benjamin F. Moore,

Snive, 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 Wambie, 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 Burlison, 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. Tubl. 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  |
| Suewille 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 Lalayette 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, Fimis 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, Wilke 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, Anna 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, Meazy Moore, Annie Ma, Moore, Graham Moore, Iyrene 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, Clotie 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 Anzie 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, Leo Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Jan 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, Catharine Cole, Jennie O. Cole, Thomas W. Hipp, William E. Starnback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Anna 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. Pierce, 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, Basche 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."

—5—

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

Respectfully,

*Tamm Dixby.*

Chairman.

Registered.

H.C.R. 5231

Muskogee, Indian Territory, May 1, 1905.

Benjamin F. Moore,  
Shive, 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 B. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.



No. 5231

For Identification as a Mississippi Choctaw.

Date 1902

Name Benjamin F. Moore,

Age 52 Blood 1/16

Post Office, Shive, Texas.

Father: George W. Moore d

Mother: Fannie " d

Claims through father  
Wife Rowena J. Moore, w.l.  
No claim for wife

Children:

Volney Moore (M) 19  
Charlie B. " 14  
Maggie May " 12  
Fannie Lee " 4  
Claims for self  
& children-

Stenographer Clara Mitchell Wood

Choctaw MCR 5232

Frank E. Moore

See MCR 762

MCR 5232

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5232

In the matter of the application for identification as a  
Mississippi Choctaw of Frank E. Moore.

J. G. Ralls attorney for applicant.

Frank E. Moore having been previously sworn testified as  
follows:

Examination by the Commission.

- Q What is your name? A Frank E. Moore.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Shive, Texas.  
Q Is your father living? A Yes, sir.  
Q Mother living? A Yes, sir.  
Q What is your mother's name? A Benjamin Franklin Moore.  
Q What is your mother's name? A Rowena Moore.  
Q There is a middle initial is there not? A Rowena J. Moore.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A One thirty second.  
Q Has your father ever been recognized in any way or enrolled as  
a member of the Choctaw tribe of Indians by 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 was filed yesterday.  
Q He made application for identification yesterday? A Yes, sir.  
Q And filed his marriage license and certificate? A Yes, sir.  
Q That is the application you refer to in your case? A Yes, sir.  
Q Are you married? A No, sir.  
Q Apply for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
Indian Territory? A No, sir.  
Q 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 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 Have you ever been admitted to citizenship in the Choctaw Nation  
by either the Choctaw tribal authorities, the Commission to the  
Five Civilized Tribes or the United States Court in Indian  
Territory? A No, sir.  
Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of that treaty was to remove, as far as possible, all of 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 their interests article fourteen was drafted and put into the treaty. The treaty was then signed and afterwards on the 24th day of February was ratified. That article of the treaty reads as follows:

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

- Q You understand that do you? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of that treaty? 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 George Tubb.
- Q What kin was he to you? A My great great grandfather.
- Q How much Choctaw blood did he have? A One-half.
- Q Did he have an Indian name? A I don't know.
- Q Do you know whether Tubb is part of the Indian word tubbee which is now used as a male termination of most names in the Choctaw language? A I don't know.
- Q Did he ever live in Mississippi or Alabama? A I have heard that he did live in both places.
- Q Where did you hear he lived and when? A In Alabama but I don't know when.
- Q Did you ever hear that he lived or any of your Choctaw ancestors lived either in Mississippi or Alabama in 1830 and were the heads of a family there at that time? A I have heard that they did.
- Q Lived in Mississippi or Alabama and were the head of a family there then? A I don't know.
- Q You don't know about that? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in the old Choctaw Nation in Mississippi and Alabama, take land there and become citizens of the United States? A Not that I know of.

#3

- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty?  
A I don't know.
- 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, in Mississippi or Alabama in the old Choctaw Nation? A I don't know.
- Q You claim through your father? A Yes, sir.
- Q How old is he now? A He is fifty-two.
- Q Where was he born? A In Arkansas.
- Q He claims through which parent father or mother? A Through his father.
- Q What was his father's name? A George Moore.
- Q And your father came from Arkansas to Texas? A Yes, sir.
- Q And lives there now? A Yes, sir.
- Q Did George Moore live in the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Is he living now? A No, sir.
- Q How old would he be if living now? A I suppose eighty something.
- Q Don't know where he was born? A No, sir.
- Q Don't know that any ancestor of yours lived in Mississippi or Alabama? A Why they lived there but I don't know what time.
- Q You could not tell the date? A No, sir.
- Q Where were you born? A In Texas.
- Q Have you always lived in Texas? A Yes, sir.
- Q Never lived in any other state? A I lived in Oklahoma some.
- Q How long did you live there? A About one year.
- Q How many years last past have you lived in Texas? A I lived in Oklahoma until two months ago and then went back to Texas.
- Q Do you live at home with your father? A Yes, at the present time.

The Mississippi 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 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 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, especially among those who lost their land, 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, by act of Congress approved August 23rd of that year another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors to your knowledge go before either of these Commissions and claim benefits as Choctaw Indians under that article of the treaty, either the Commission of 1837 or the Commission of 1842? A Not that I know of.

#4

The act of Congress approved August 23, 1842, provided if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it further appeared that he had had land in Mississippi which the government had taken from him and sold that he might 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 Not that I know of. No, sir.  
Q Do you know Milton Ikard? A Yes, sir.  
Q What relation or kin is he to you? A He is a cousin.  
Q He has made application to be identified as a Mississippi Choctaw has he not? A Yes, sir.  
Q Would you like to have the testimony given by him when he made application considered with yours and with all other relatives claiming through the same ancestor George Tubb? A Yes, sir.  
Q Would you like to have your case made a part of the consolidated case of Milton Ikard, et al., M.C.R. 767? A No answer.  
Q Is there anything more you want to say in support of this claim? A No, sir.  
Q Do you speak the Choctaw language? A No, sir.  
Q Have you any evidence of any kind that you want to introduce at this time? A No, sir.  
Q Would you like time in which to introduce evidence in this case?

Attorney ; we would like time, thirty days time.

Commission.

Thirty days time is allowed this applicant in which to introduce further evidence , if he desires, in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has florid complexion, blue eyes, black hair and light brown mustache. 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 18, 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.

*G. Rosenwinkel*  
*Carmita A. Wood*

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. 8232

ALLISON L. AYLESWORTH,  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Frank W. Moore,

Shive, 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. Hearse, 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 Burseson, 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  |
| Suewille 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, Ann 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, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sanna 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, Melzy Moore, Annie May Moore, Graham Moore, Hyman Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin P. 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, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie 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, Aymer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Pard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, Wilham 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, Leoy 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,

*James Dixby.*

Chairman.

Registered.

M.C.R. 5232

Muskogee, Indian Territory, May 1, 1905.

Frank E. Moore,  
Shive, 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

Name Frank E. Moore

Age 23 Blood 1/32

Post Office, Shiner, Texas

Father: Benjamin F. Moore l

Mother: Rowena J. " l

Claims through father -

~~Children:~~

Claims for self alone

Stenographer G. Rosemire

Choctaw MCR 5233

John H. Moore

See MCR 762

MCR 5233

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5233

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

J. G. Ralls attorney appearing for applicant.

John H. Moore having been previously sworn testified as  
follows:

Examination by the Commission

- Q What is your name? A John H. Moore.  
Q Your age is what Mr. Moore? A Twenty-seven.  
Q What is your post office address? A Pond Creek, Oklahoma.  
Q How long have you lived there? A I think it has been six years  
Q Where did you live before that? A In Texas before that.  
Q Where were you born? A I think in Mound Peak, Texas.  
Q Always lived in Texas until you went to Oklahoma? 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 Benjamin Franklin Moore.  
Q What is your mother's name? A Rowena J. Moore.  
Q You claim through which parent father or mother? A Father.  
Q How much Choctaw blood do you claim? A About one-thirty-second.  
Q Has your father ever been recognized as a Choctaw Indian or  
enrolled as one 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 It was produced here yesterday..  
Q It was filed by your father in his application was it? A Yes  
sir.  
Q You want to refer to it and make it a part of your application?  
A Yes, sir.  
Q Are you married? A No, sir.  
Q Claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
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?  
I have not.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Daves Commission under the act of Congress of  
June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by 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.

#2

Q Do you understand that article of that treaty? A Well Yes, I have heard you explain it several times.

Q You want another explanation? A It is not necessary.

Q

The article reads as follows:

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

Q You think you understand that Mr. Moore? A Yes, sir.

Q Did any of your ancestors comply or attempt to comply in any way with the provisions of article fourteen of that treaty? A I don't know sir whether they did or not.

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

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

Q How much Choctaw blood did he have? A I think my grandfather said he was half.

Q Did he have a Choctaw Indian name? A I don't know sir about the Indian name.

Q Did he live in the old Choctaw Nation in 1830? A I don't know whether he lived in the Choctaw Nation or not; he lived in Alabama or Mississippi----I think in Alabama.

Q But you don't know whether he lived in the old Choctaw Nation? A No, sir.

Q Did he live in Mississippi or Alabama in 1830 and did he have a family there then? A I think so.

Q At that time? A Yes, sir.

Q Is that a matter of family history with you? A Yes, sir.

Q Do you know how old he would be if living now? A No, sir.

Q You claim through your father Benjamin? A Yes, sir.

Q Did he ever live in Mississippi or Alabama? A No, sir; I think not.

Q Did his father ever live in either of these two states? A His father lived in Alabama.

Q Do you know whether he lived in the old Choctaw Nation there? A A I don't know.

Q What was his name? A You mean?

Q I mean your father's father, A George Moore.

Q But you don't know whether he lived there in 1830? A No, sir; I could not say.

Q He claimed through whom? A His mother.

Q What was her name? A I could not say.

Q Did she live in Mississippi or Alabama? A She lived in Alabama I think my grandfather was born in Alabama.

Q Your grandfather was born in Alabama? A I think he was I am not sure.



- Q Have you the slightest idea when he was born? A No, sir; I have not.
- Q Your great grandmother was the daughter of George Tubb? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama? A I could not say whether they did or not.
- 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 of the Choctaw Indians in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I could not say whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I could not say.

The Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, who had an Agency in Mississippi in 1831 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 it caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; their lands and their improvements were both taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 under act approved March 3 of 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 went to Mississippi and heard claimants under article fourteen of that treaty. This Commission was appointed by act of Congress approved August 23rd of that year.

- Q Did any of your Choctaw ancestors appear before either of these Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi in the old Choctaw Nation which the government had taken from him 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 Do you know whether any of your Choctaw ancestors received any such scrip from the government as Choctaw Indians? A I don't know anything about it if they did.

#4

- Q Do you know Milton Ikard? A Yes, sir.  
Q What relation to you? A Cousin.  
Q You want to have his case considered with yours? A Yes, sir.  
Q You want them all put into the consolidated case of Milton Ikard, M.C.R. 767? A Yes, sir.  
Q Have you any proof that you want to introduce now in support of this claim? A No, sir.  
Q You want time in which to introduce other evidence in this case? A Thirty days.

Thirty days time will be allowed this applicant in which to introduce further testimony in support of this application.

- 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 I don't believe there is.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark brown hair; florid complexion. 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 18, 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.

*Committee*

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.P. 5233

ALLISON L AYLESWORTH  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

John H. Moore,

Pond Creek, Oklahoma.

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 |
| Anna 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 |
| Bylene Posey, et al.          | M. C. R. | 5226 |
| Irene Bursen, 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 Moor              | 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 Wiggins, et al. | M. C. R. | 5223 |
| Annie G. Wilson, et al.       | M. C. R. | 5019 |
| William Alexander Moore       | M. C. R. | 5006 |
| Richard P. Moore              | M. C. R. | 5025 |
| Lydia A. Shepard              | M. C. R. | 5018 |
| Robert Lee Moore, et al.      | M. C. R. | 5022 |
| John A. Moore, et al.         | M. C. R. | 5023 |
| Glen M. Robinson              | M. C. R. | 5024 |
| Ida Robinson, et al.          | M. C. R. | 5017 |
| 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  |
| Suewille Ikard Camuse         | M. C. R. | 784  |
| Cleo Ikard Harris, et al.     | M. C. R. | 781  |
| Lucile Ikard                  | M. C. R. | 786  |
| William S. Ikard, et al.      | M. C. R. | 5718 |
| Milton Ikard, et al.          | M. C. R. | 767  |
| William E. Ikard, et al.      | M. C. R. | 760  |
| Ella Harris, et al.           | M. C. R. | 4894 |
| Sallie E. Johnson             | M. C. R. | 5237 |
| Thomas J. Cole, et al.        | M. C. R. | 5075 |
| Jennie O. Hipp, et al.        | M. C. R. | 5134 |

|                              |               |
|------------------------------|---------------|
| William E. Stainback         | M. C. R. 4831 |
| Thomas G. Cole, et al.       | M. C. R. 5074 |
| Alma Cole Speer, et al.      | M. C. R. 5140 |
| Clyde Orr                    | M. C. R. 5139 |
| Lu Blakeney, et al.          | M. C. R. 5138 |
| Beulah D. Herrin             | M. C. R. 5238 |
| Caleb G. Tubb, et al.        | M. C. R. 4338 |
| Mattie A. Tubb Johnson       | M. C. R. 4333 |
| James F. Tubb, et al.        | M. C. R. 4340 |
| Daniel W. Tubb               | M. C. R. 4343 |
| Lucius J. Tubb, et al.       | M. C. R. 4344 |
| Mary I. Sawyer, et al.       | M. C. R. 4332 |
| William F. Pendleton, et al. | M. C. R. 6314 |
| Jesse C. Pendleton, et al.   | M. C. R. 6315 |
| Caswell A. Reynolds          | M. C. R. 6316 |
| Tucker R. Tierce             | M. C. R. 6317 |
| Louie T. Pendleton, et al.   | M. C. R. 6318 |
| Julius Watson, et al.        | M. C. R. 6319 |
| George R. Pendleton, et al.  | M. C. R. 6350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Ball, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron Moore, et al.          | M. C. R. 6501 |

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Mezy Moore, Annie May Moore, Graham Moore, Itviene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burtleson, R. D. Burtleson, 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, Clotie 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. Hoop, Thomas W. Hoop, 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, Juhus 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 Baggert, 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,

Registered.

  
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 5233

ALLISON L. AYLESWORTH,  
SECRETARY

ATTENTION THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 23, 1904.

J. H. Moore,  
c/o Fisher Hotel,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, asking that the Commission grant you permission, by wire, to file contest at the Chickasaw Land Office for certain land which you state you have been in possession of for more than one year. You further state that you desire to file said contest in order that you might hold your place until your rights to identification as a Mississippi Choctaw are finally determined.

On March 22, 1904, the Commission wired you as follows:

"Replying letter twenty-first, your application for identification as Mississippi Choctaw refused by Commission April twentieth, nineteen hundred and three and record forwarded Department. Commission cannot allow Mississippi Choctaw applicants whose rights have been refused to institute contest."

It is not believed that applicants for identification as Mississippi Choctaws whose status is not finally determined is in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations nor are they permitted to institute contest proceedings for any land in the Choctaw-Chickasaw



J H M 2

country. You would not, therefore, be permitted to institute contest proceedings for the land referred to in your letter.

Respectfully,



Commissioner in Charge.

M. C. R. 5233

Muskogee, Indian Territory, May 1, 1905.

John M. Moore,

Pond Creek, Oklahoma Territory,

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, 1905.

Respectfully,

Chairman.

**ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS.**

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

**THOS. T. ECKERT, President and General Manager.**

Form No. 260.

**THE WESTERN UNION TELEGRAPH COMPANY.**

INCORPORATED

**21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filled

Check

**Collect.**

**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, March 12, 1904.

J. H. Moore,

Fisher Hotel,

Tishomingo, Indian Territory

Enclosed letter twenty-first, your application for identification as  
Mississippi Choctaw refused by Commission April twentieth, nineteen  
hundred three and record forwarded Department. Commission cannot  
allow Mississippi Choctaw applicants whose rights have been refused  
to institute contest.

Needles,

ORON

Commissioner in charge.

**READ THE NOTICE AND AGREEMENT ON BACK.**

No. 5433

For Identification as a Mississippi Choctaw.

Date 1-1-1932

Name John H. Moore

Age 27- Blood 1/32

Post Office, Pond Creek, Okla.

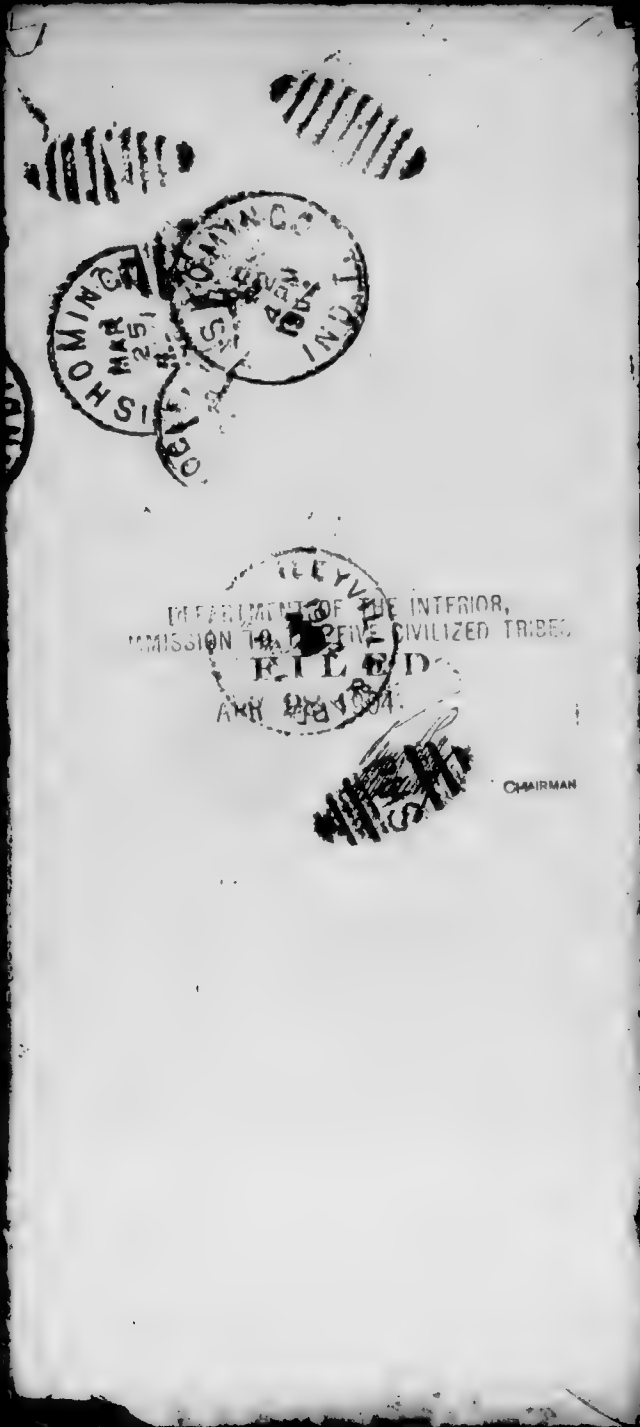
Father: Benjamin F. Moore, l.

Mother: Rosna J. .. . l.

Claims through father

~~Children:~~

Claims for sep. allow.



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DEPT. OF THE INTERIOR

DEPT. OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
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CHAIRMAN

*Special Through matter  
Morman*

A. R.  
5233

Special Delivery

Division of what is subject to be in  
ments to ~~the~~ ~~the~~ contact ~~the~~  
business and call of in India.

J. H. Moore  
c/o ~~the~~ ~~the~~ el,



Tillomingo, Indian Territory.

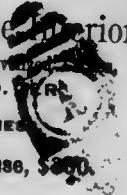
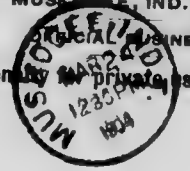
Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TERR.

SPECIAL BUSINESS

Penalty for private use, \$300.



Choctaw MCR 5234

George W. Moore

See MCR 762

MCR 5234



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 18, 1902.

5234

In the matter of the application of George W. Moore for identification as a Mississippi Choctaw.

J.G.Ralls, attorney for applicant.

George W. Moore, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. More; M-o-o-r-e.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Shive, Texas.  
Q How long have you lived at Shive? A Eighteen years.  
Q How long have you lived in Texas? A Twenty five years.  
Q Were you born in Texas? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother- A Yes sir.  
Q What is your father's name? A Benjamin F. Moore.  
Q What is your mother's name? A Rowena J. Moore.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A A 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 Not that I know of.  
Q Have you proof of the marriage of your father and mother here?  
A No sir.  
Q He made application yesterday, didn't he for identification as a Mississippi Choctaw? A Yes sir.  
Q And filed his marriage license and certificate at that time?  
A Yes sir.  
Q You would like to have that referred to in your application?  
A Yes sir.  
Q Are you married? A Yes sir.

- Q Do you make application for anybody except yourself? A No sir.
- Q Your wife is living? A Yes sir.
- Q Choctaw Indian or white woman? A White woman.
- Q What is her name? A Jennie Moore.
- Q You make no claim for your wife? 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 to the Dawes Commission for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation? 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 for the purpose of identifying yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q Would you like to have it further explained? A It is not necessary.

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 understand that article of that treaty? 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 No sir, I don't think they did; 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 George Tubb.

- Q What relation is he to you? A He is my great great grandfather.
- Q How much Choctaw blood did he have? A One half I am told.
- Q Did he ever live in Mississippi or Alabama in the old Choctaw Nation? A I don't know sir; he lived in Alabama.
- Q Was he the head of a family there in 1830? I don't know sir.
- Q How old would he be if living now? A I don't know.
- Q Did he have a Choctaw Indian name? A I heard he did.
- Q What was it, do you know? A No sir, I don't believe--
- Q Do you know if he spoke the Choctaw language? A No sir, I don't.
- Q You claim through your father, Benjamin; did he live in Mississippi or Alabama? A No sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't.
- Q Where was your father born? A In Arkansas.
- Q And from there he went to Texas where he has lived since? 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 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 there in the old Choctaw nation, take land there and become citizens of the 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 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.

The Choctaw Indians who remained in the State of 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 the treaty of 1830 to go to the United States Indian agent Col. Ward, within six months after the ratification of that treaty and tell him that they intended to stay in Mississippi or Alabama in the old Choctaw nation, 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; his neglect to do this caused a great many Choctaw Indians who held land in the old Choctaw Nation on which they had improvements to lose both lands and improvements-- they were taken and sold by the Government at Public Land Sale. This caused a great deal of distress and a great many complaints among the Choctaw Indians so that in 1837 March 3, Congress appointed a Committee to go to Mississippi, and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and 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-- A I don't know sir.

Under the act of Congress approved August 23, 1842, if it were proven that any Choctaw Indian had established his right under article fourteen of the treaty of 1830 and if it also appeared that he had had land in Mississippi or Alabama 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 Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that his right to make this selection should be evidenced by certificates or scrip issued to him.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know that they did.

Q Who is Milton Ikard? A Cousin.

Q He has made application here? A Yes sir.

Q Do you want to have his case considered with yours and all others claiming through the same common ancestor under the head of the consolidated case of Milton Ikard et al.? A Yes sir.

His case is M.C.R. 767.

Q Have you any evidence you wish to introduce or any witnesses you wish to call? A No sir.

Q Would you like any time in which to introduce other testimony?

A Yes sir.

Thirty days time is allowed for this purpose at request of attorney.

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.

--  
This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion, light brown hair; he has no knowledge of the Choctaw language and none of the compliance by any of his ancestors with any of the provisions of the fourteenth article 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

-5-

the proceedings had in the above entitled cause on April 18, 1902,  
and that this is a full, true and correct transcript of his stenor  
graphic notes in same.

*Henry S. Kain*

Subscribed and sworn to before me this 10 day of May, 1902.

*Charles W. Sawyer*

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. 5234

ALLISON L. AYLESWORTH  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

George W. Moore,  
Shive, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Eilen 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  |
| Wuliam S. Ikard, et al.       | M. C. R. 5718 |
| Milton Ikard, et al.          | M. C. R. 767  |
| William E. Ikard, et al.      | M. C. R. 760  |
| Ella Harris, et al.           | M. C. R. 4894 |
| Sallie E. Johnson             | M. C. R. 5237 |
| Thomas J. Cole, et al.        | M. C. R. 5075 |
| Jennie O. Hipp, et al.        | M. C. R. 5134 |

|                              |               |
|------------------------------|---------------|
| William E. Stainback         | M. C. R. 4831 |
| Thomas G. Cole, et al.       | M. C. R. 5074 |
| Alma Cole Speer, et al.      | M. C. R. 5140 |
| Clyde Orr                    | M. C. R. 5139 |
| Lu Blakeney, et al.          | M. C. R. 5138 |
| Beulah D. Herrin             | M. C. R. 5238 |
| Caleb G. Tubb, et al.        | M. C. R. 4338 |
| Mattie A. Tubb Johnson       | M. C. R. 4333 |
| James F. Tubb, et al.        | M. C. R. 4340 |
| Daniel W. Tubb               | M. C. R. 4343 |
| Lucius J. Tubb, et al.       | M. C. R. 4344 |
| Mary I. Sawyer, et al.       | M. C. R. 4332 |
| William F. Pendleton, et al. | M. C. R. 6314 |
| Jesse C. Pendleton, et al.   | M. C. R. 6315 |
| Caswell A. Reynolds          | M. C. R. 6316 |
| Tucker R. Tierce             | M. C. R. 6317 |
| Louie T. Pendleton, et al.   | M. C. R. 6318 |
| Julius Watson, et al.        | M. C. R. 6319 |
| George R. Pendleton, et al.  | M. C. R. 6350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Ball, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron Moore, et al.          | M. C. R. 6501 |

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna 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, Mezy Moore, Annie May Moore, Graham Moore, Iytene 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, Clote 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 Anzie 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, Catharine Cole, Jennie O. Hupp, Thomas W. Hupp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alna 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, Levey 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, Hatlie 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,

Registered.

  
Chairman.

Muskogee, Indian Territory, May 1, 1905.

George W. Moore,  
Shive, 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.

No. 5934

For Identification as a Mississippi Choctaw.

Date

APR 13 1902

Name George W. Moore

Age 25

Blood

1/32

Post Office, Shive, Texas.

Father: Benjamin T. Moore, l

Mother: Rowena J. " l

Claims through

father

wife - Jennie — l. w.

No claim for wife

~~Children:~~

Claim for self  
alone -

H. G. Hain

Choctaw MCR 5235

John A. Moore

See MCR 762

MCR 5235

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 18, 1902.

5235

In the matter of the application of John A. Moore for the identification of himself and his five minor children, Richard H., Maggie Lee, Annie, Homer and Beatrice Moore, as Mississippi Choctaws.

J.G.Ralls, attorney for applicant.

John A. Moore being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John A. Moore.  
Q What is your age? A Fifty six.  
Q What is your post office address? A Alvin Texas.  
Q How long have you lived at Alvin? A Four years.  
Q Where did you live before that? A Johnston County ten years and Ellis County twenty years.  
Q Where were you born? A In Arkansas.  
Q Did you move from Arkansas to Texas? A Yes sir.  
Q Where in Arkansas? A Union County.  
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 W. Moore.  
Q What was your mother's name? A Fannie Moore.  
Q You claim through which parent? A Father.  
Q How much Choctaw blood do you claim? A About a sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States 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.  
Q Could you produce that if given reasonable time? A Yes, I have sent for it.

Reasonable time will be allowed for that purpose.

- Q Do you know where and when they were married? A I don't know when; it was in Perry County, Alabama.
- Q By a minister and under a license? A I don't know.
- Q Is your wife living? A No sir.
- Q Was she the mother of the minor children for whom you want to make application? A Yes sir.
- Q When did she die? A February two years ago.
- Q Was she a white woman? A White woman.
- Q What was her name? A Maggie D. Moore.
- Q Have you a wife now? A No sir.
- Q How many minor children have you that you want to make application for? A Five.
- Q What is the name of the oldest? A Richard H.
- Q What is his age? A Twenty years old.
- Q Give me the name of the next? A Maggie Lee.
- Q What is her age? A Sixteen.
- Q What is the name of the next? A Annie.
- Q What is her age? A Thirteen.
- Q The next? A Homer.
- Q What is his age? A He is eleven years old.
- Q Next? A Beatrice.
- Q Age? A Seven.
- Q Is that all? A Yes sir.
- Q You claim for yourself and children, do you? A Yes sir.
- Q Was Maggie D. Moore the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q They are living with you at your home? A 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 of your self and wife? A No sir.
- Q Can you introduce that later if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Can you recall the present name of your children who are married?  
A Yes sir.
- Q Will you give them? A Roberta Parks.
- Q Where does she live? A In Kentucky, Harris Grove, Burney County.
- Q Give me the full name of your next child? A Mattie E. King, Alvin, Texas.
- Q The next? A Anna Wamble, Godley Texas.
- Q The next? A Hugh H. Moore.
- Q How old is Hugh? A He is twenty five years old and lives at Alvin Texas.
- Q Any others? A Hiram Moore, Alvin Texas.
- Q How old is he? A Twentythree years old.
- Q How old is Roberta? A I don't know exactly about 32 years.
- Q How old is Mattie? A About 29 years old.
- Q How old is Amay? A About 26 or 27.
- Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?  
A No they are not.

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 for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

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

Q Have you at any time prior to this application made application for citizenship in the Choctaw Nation for yourself and children to any authority whatever? A No sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

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

Q Do you want it further explained? A No sir.

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

Q Do you understand that article? A Yes sir.

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A 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 Tubb.

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

Q Well, which is it? A Great grandfather.

Q How much Choctaw blood did he have? A Half I think.

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

Q Did he live in the old Choctaw nation in Mississippi or Alabama in 1830? A I don't know.

Q Did he ever live in that old Choctaw nation? A I don't know.

Q You don't know that he was the head of a family there in 1830?

A No sir.



- Q Do you know how old he would be if living now? A No sir.
- Q Did he speak the Choctaw language? A I don't know.
- Q You claim through your father? A Yes sir.
- Q Did he live in Mississippi or Alabama? A He lived in Alabama.
- Q Do you know where in Alabama? A Perry County.
- Q Was he born in Alabama? A Yes sir.
- Q When was he born? A 1818.
- Q What was his father's name? A Alex Moore.
- Q Did he claim his Choctaw blood through Alex? A No sir.
- Q What was his mother's name? A Lydia.
- Q Did he claim through Lydia? A Yes sir.
- Q Do you think he was born in Alabama and his father and mother were then living at the time of his birth there in 1818? A Yes sir.
- Q And did they continue to live there in down to 1830 and after that? A I can't tell you that.
- Q What I want to find out is was his mother Lydia living in Alabama in the old Choctaw Nation in 1830 and her children with her? A I don't know.
- Q Lydia was the daughter of George Tubb? And well, it look as though George Tubb was not the head of a family in Alabama in 1830 for it seems as though Lydia was the one? A Well, that's George W. Moore my father was born in 1818.
- Q And his father's name was Alex and his mother's name was Lydia? A Yes sir.
- Q And Lydia was the daughter of George Tubb? A Yes sir.
- Q Well, then, Lydia Moore your father's mother had a son in Alabama in 1818-- your father? A --
- Q Is that right? A Yes sir.
- Q So that, if she continued to live in Alabama and her family with her down to 1830 and 1831 she would be head of a family there at that time, wouldn't she? A Yes sir.
- Q But you don't know whether she was living in Alabama or Mississippi in 1830, do you? x She might have removed? A Yes, I don't know about that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A 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 who had an agency in Mississippi in 1830 and 1831 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 in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors 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 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

that treaty to go to the United States Indian agent, Col. Ward who had an agency here in Mississippi and told him that they wanted to take and stay there in the old Choctaw Nation, take land 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 this caused a good many Indians who had 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 so many complaints that in 1837 by an act approved March 3, 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 for the same purpose by Congress 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 Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it further appeared that he had land in Mississippi which the Government had taken 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 certificates to that effect should be given to him, these were 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 What was the name of your ancestor, George Tubb? A Yes sir.

Q You claim he was a half blood Choctaw Indian, do you? A Yes sir.

Q But you don't remember his Choctaw Indian name? A No sir.

Q Do you know Milton Ikard? A Yes sir.

Q What kin to you is he? A Cousin.

Q He has made application for identification as a Mississippi Choctaw, has he not, before the Commission? A Yes sir.

Q Do you want to have his case and the case of all other relatives of yours claiming through the same common ancestor consolidated under the name of Milton Ikard et al., M.C.R. 767? A Yes sir.

Q Have you any documentary evidence you would like to introduce?

A No sir.

Q Would you like time? A Yes sir.

Reasonable time-- thirty days at request of attorney- is allowed for that purpose.

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

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

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, florid complexion, gray hair and whiskers formerly black; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 18, 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 10 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

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. 5235**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**John A. Moore,**

**Alvin, 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, 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 Bureson, R. D. Bureson, 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,

*Samuel D. Smith*

Registered. \_\_\_\_\_

Chairman.



M.C.R. 5235

Muskogee, Indian Territory, May 1, 1905.

John A. Moore,

Alvin, 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.

No.

For Identification as a Mississippi Choctaw.

Date

1902

Name John A. Moore.

Age 56 Blood 416

Post Office, Alvin, Texas. -

Father: George W. Moore, d

Mother: Fannie " d

Claims through father  
wife - Maggie D. Moore, (d) w.

Children:

- Richard H. Moore, 20
- Maggie Lee " 16
- Annie " 13
- Keomer " 11
- Beatrice " 7
- Claims for self  
and children -

Stenographer H. G. Hains,

Choctaw MCR 5236

William E. Sewell

See MCR 762

MCR 5236

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5236

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

J.G.Ralls, attorney for applicant.

William E. Sewell, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William E. Sewell.  
Q What is your age? A Thirty four.  
Q What is your post office address? A Midlothian, Texas.  
Q How long have you lived there? A About ten months.  
Q Where were you born? A Mountain Peak Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q Most of the time in Mountain Peak? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother-- A Yes sir.  
Q What is your father's name? A John P. Sewell.  
Q What is your mother's name? A Fannie P. Sewell.  
Q You claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One thirty second.  
Q Has your mother ever been recognized in any way or enrolled as a  
member of the Choctaw tribe of Indians by 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 claim for yourself alone do you? A That's all; 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 Na-  
tion to the Choctaw tribal authorities in the Indian Territory?  
A No sir.  
Q Have you ever made application for citizenship in the Choctaw Na-  
tion 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 before this time for citizenship in the Choctaw Nation to any authority? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authority, 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 of that treaty? A Yes, I have heard you explain it quite a number of times.
- Q Would you like to have it explained further? A I don't think it is necessary.

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? 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 George Tubb.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know sir.
- Q Did George Tubb live in Mississippi or Alabama in 1830? A I don't know.
- Q You don't know if he was the head of a family there at that time? A No sir.
- Q Do you know of any Choctaw ancestor of yours who was head of a family in 1830? A No sir.
- Q You claim through your mother, Fannie-- A Yes sir.
- Q Where was she born? A In Arkansas.
- Q Did she move from Arkansas to Texas she lives now in Texas? A Yes sir.
- Q She claims through her father or mother? A Father.
- Q What was his name? A George Moore.
- Q Did he live in the old Choctaw Nation? A I don't know.

- Q He claimed through whom? A His mother, I believe.  
Q What was her name? A I don't know.  
Q Ever hear that it was Lydia? A Yes sir.  
Q That's his mother then is it? A Yes sir.  
Q Did she ever live in the old Choctaw Nation? A I don't know.  
Q And she was the daughter of George Tubb? A Yes sir.  
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.  
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.  
Q Did any of your Choctaw ancestors 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 under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed 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 that treaty to go to the United States Indian agent, Col. Ward and at his agency in Mississippi 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 A good many Choctaw Indians did this whose names COL. WARD failed to put on his list known as Ward's register, and his failure to do so caused many Indians who had lands in the old Choctaw Nation with improvements lost both-- 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, 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 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen.

- Q Did any of your Choctaw ancestors claim any benefits before either of these Commissions 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, and if it also further appeared that he had land taken from him in Mississippi and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that certificates to that effect should be given to him; they were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the Government? A I don't know.
- Q Who is Milton Ikard? A He is a cousin.
- Q You claim through the same ancestor? A Yes sir.
- Q He has been before the Commission, hasn't he? A Yes sir.
- Q Would you like to have your case taken in connection with his and all other relatives claiming through the same ancestor under the consolidated case of Milton Ikard et al., M.C.R. 767? A Yes sir.
- Q Have you any documentary evidence or any other proof that you want to introduce? A No sir.
- Q Do you want time- A You might give me thirty days.

Thirty days time is allowed this applicant in which to introduce proper evidence in support of this claim.

- 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 gray eyes or gray blue, florid complexion, brown hair; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 18, 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 10 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

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. 5236

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**William E. Sewell,**

**Midlothian, 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 |
| Eilen 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 |
| Anma 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, Ethalana 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, Mezy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burlison, R. D. Burlison, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Ste-willie 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, Fucker 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,  
(S)

*Tame Dixby.*

Chairman.

Registered.

M.C.R. 5236

Muskogee, Indian Territory, May 1, 1905.

William E. Sewell,  
Midlothian, 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, 1905.

Respectfully,

Chairman.

No. 5236

For Identification as a Mississippi Choctaw.

Date

1906

Name William E. Sewell.

Age 34 - Blood 1/32

Post Office, Middletonian, Texas.

Father: John P. Sewell, d

Mother: Fannie P. .. c

Claims through mother

Children:

Claims for self  
alone

Stenographer H. H. Hoanis.

Choctaw MCR 5237

Sallie E. Johnson

See MCR 762

MCR 5237

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Ter'y, April 18, 1902.

5257

In the matter of the application of William E. Stainback for the identification of his invalid aunt, Sallie E. Johnson, as a Mississippi Choctaw.

J.G.Halls, attorney for applicant.

William E. Stainback being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William E. Stainback.  
Q Where do you live? A Ferris, Ellis County Texas.  
Q What is your age? A Forty three.  
Q What is your occupation? A Farmer.  
Q What is your nationality, you are a white man, aren't you?  
A Yes, part white man and part Indian.  
Q Have you made application for identification as a Mississippi Choctaw? Before the Commission? A I have.  
Q That application is on record, is it? A Yes sir.  
Q Are you related to Sallie E. Johnson? A She is my aunt; she is my mother's sister.  
Q So that you and she claim through the same common source? A Yes sir.  
Q You come before the Commission today, do you, to make application for her identification as she is not able to be here herself? A Yes sir.  
Q And in proof of that fact you file a Doctor's certificate and her power of attorney signed by her? A Yes sir.

Doctor's certificate presented by applicant, received, filed marked Exhibit "A", and made a part of the record in this case; also, power of attorney of Sallie E. Johnson authorizing William E. Stainback to make application for her, received, filed, marked Exhibit "B" and made a part of the record in this case.



Q What is the name of the father of Gallie E. Johnson? A Cole, I swan if I know his first name.  
Q He is dead? A Died back in Alabama, Choctaw County. I know his name but I can't think of it now.  
Q What is the age of Gallie E. Johnson? A About sixty four.  
Q And how much Choctaw blood do you claim for Gallie E. Johnson?  
A One eighth.  
Q What was her mother's name? A Lucinda Cole; her maiden name was Tubb.  
Q Is she dead? A Yes sir.  
Q Do you know what her age would be if she were living now?  
A No sir.  
Q Or the age of the father of this applicant if he were living? A No sir. I don't know the age of either one of them.  
Q Through which parent does she claim her Choctaw blood? A Through her mother, Lucinda.  
Q How much Choctaw blood did her mother have? A Quarter blood.  
Q Has the mother of Sallie E. Johnson ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory?  
A Not that I know anything about.  
Q Is Sallie E. Johnson married? A Yes sir. Her husband is dead.  
Q Was she any children? A None living. ~~xx~~  
Q Then you make application for her alone? A Yes sir.  
Q Is her name on any of the tribal rolls of the Choctaw nation in Indian Territory. A No sir, I guess not.  
Q Has she ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Has she ever made application or any one for her for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.  
Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?  
A No sir.  
Q This is the first application ever made for her for citizenship to any authority? A Yes sir.  
Q You now come before the Commission in her behalf in order that she may be identified as a Mississippi Choctaw claiming through under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article of that treaty? A Yes sir.  
Q You don't care for any further explanation of it? A No sir it is not necessary, I have heard it many times before and today.

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 the quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands

intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the ancestors of Sallie E. Johnson comply or attempt to comply with any of the provisions of article fourteen of that treaty? A I don't know sir.
- Q What is the name of her ancestor through whom she claims her right to be identified as a Mississippi Choctaw? A Her mother.
- Q Going back as far as you can? A That is as far back as I know anything about.
- Q Don't you know whether she claims through George Tubb? A I suppose she does; I know her and her mother personally but I don't know anything about the others.
- Q How old would Lucinda Cole be now? A I don't know exactly..
- Q Would she be an old woman? A Pretty old woman.
- Q Over eighty? A No I don't suppose she would be.
- Q You could not trace Lucinda Cole's ancestry back to some Mississippi Choctaw ancestor who lived in Mississippi or Alabama in 1830? A No sir.
- Q Have you heard as a matter of family history and tradition that Sallie E. Johnson is descended from Mississippi Choctaw ancestry? A Yes sir.
- Q And have you ever heard George Tubb's name mentioned in that connection? A Many times.
- Q You have reason to suppose then that she was descended from George Tubb? A Yes, in the family; her grandfather.
- Q You know nothing about it except what you have heard as a matter of family history? A That's all.
- Q Do you know whether he lived in Mississippi or Alabama? A No sir, I don't.
- Q Do you know whether he was the head of a family in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir, I don't.
- Q Did any of the Choctaw ancestors of Sallie E. Johnson own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory between 1833 to 1835? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ware, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of the Choctaw ancestors of Sallie E. Johnson 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 sir.
- Q You don't know of any compliance or the part of her ancestors with article fourteen of the treaty of 1830? A No sir.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian agent, Col. Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names COL. Ward failed to put on his list known as Ward's register----those Indians who did this were entitled to take land in Mississippi and if they lived upon it for five years they were to get a deed from the Government--- and therefore many Indians who held land in Mississippi upon which they had improvements lost 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 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 went to Mississippi and heard claimants under article fourteen.

Q Did any of her Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know sir.

Q Did any of her ancestors receive any scrip from the Government of the United States as Choctaw Indians-- certificates which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in the old Choctaw nation and which the Government had taken from them and sold? A I don't know.

Q Is Sallie E. Johnson related to Milton Ikard? A Yes sir.

Q Would you like to have her case consolidated with his? A Yes sir.

His case M.C.R. 267 is here referred to.

Q And also all other relatives claiming through the same common ancestor? A Yes sir.

Q Does she speak the Choctaw language? A No sir.

Q Do you want to have her allowed thirty days time in which to furnish other testimony in support of her claim? A Yes sir.

Thirty days time is allowed in which furnish proper proof.

Q You have no testimony now? A No sir.

Q Well, what is her complexion-- how does she look in reference to whether she looks like a Choctaw Indian or not? A She has black hair and black eyes, and pretty dark skin: I think she looks more like it than any of the rest of the family.

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 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry J. Haine*

Subscribed and sworn to before me this 10 day of May, 1902.

*Charles E. Sawyer*

Notary Public.

JAMES HENRY  
THOMAS B. NELSON  
C. P. BRIDGES  
W. J. STANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCED BY THE FOLLOWING

M.C.R. 5237

ALLEN J. AYERSON, JR.  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Sallie E. Johnson,**

Care **William E. Stainback,**  
**Ferris, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |          |      |
|-------------------------------|----------|------|
| Mattie E. King, et al.        | M. C. R. | 5727 |
| Anna 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 Burlison, 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 Moor              | 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  |
| Suewille 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 Bureson, R. D. Bureson, 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 I. 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),

*Sam Dixby.*

Registered.

Chairman.

M.C.R. 5237.

Waskoee, Indian Territory, May 1, 1905.

Sallie E. Johnson,  
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 E. Ikard, et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5237

For Identification as a Mississippi Choctaw.

Date

Name Sallie E. Johnson  
(by William E. Stambaek (white))  
Age ~~63~~ 64 Blood of S.E.I.  $\frac{1}{2}$  w + choe.  
Post Office Ferris, Texas  $\frac{1}{2}$  choe.

Father: Cole - (d) father of S.E.J.

Mother: Lucinda Cole (d) " "

Claims through mother  $\frac{1}{4}$  (S.E.J.)

~~XXXXX~~

Claims only for  
Sallie E. Johnson 1/8  
age 64 - Ferris, Tex.

Stenographer H. S. Harris -

Choctaw MCR 5238

Bewlah D. Herrin

See MCR 762

MCR 5238

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5238

In the matter of the application of Beulah D. Herrin for identification as a Mississippi Choctaw.

J.G.Ralls attorney for applicant:

Beulah D. Herrin being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Beulah D. Herrin.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Ferris, Texas.  
Q How long have you lived there? A Twenty two years.  
Q What is your father's name? A Jack Blakeney.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Lu Blakeney.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother ever been recognized in any way as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q Has she made application to be identified as a Mississippi Choctaw?  
A Yes sir.

Reference is made to the case of Lu Blakeney who applied April 11, M.C.R. 6138.

- Q You claim for yourself alone, do you? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A A.F.Herrin.  
Q Is he living and a white man? A Yes sir.

- Q You make no claim for him? 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 Daves Commission under the act of Congress of June 10, 1897? A No sir.
- Q Do you now come before the Commission claiming the right to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Do you understand article fourteen of the treaty of 1830? A I have heard it read several times.
- Q Do you want to have it explained again? A I don't know that it is necessary.

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 do remove, he 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 Not that I know of.
- Q Is it the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother, but I don't know.
- Q Can't you go back further than that? A I can't go any further.
- Q Don't you know anything about George Tubb? A I have heard that he was my great great grandfather.
- Q In the family? A Yes sir.
- Q Who told you that George Tubb was your great great grandfather?

A My mother.  
Q Was he a Choctaw- did he have any Choctaw blood? A Yes sir.  
Q How much Choctaw blood did you hear he had? A One half, I believe.  
Q That is a matter of family history is it? A Yes sir.  
Q Did he live in the old Choctaw nation in Mississippi or Alabama?  
A I don't know.  
Q Did you ever hear so? A I don't know whether I did or not.  
Q You don't know whether he ever live in Mississippi or Alabama in 1830 in the old Choctaw nation and had a family there? A No sir.  
Q Did you ever hear of any ancestor of yours having Choctaw blood who lived in the old Choctaw Nation and was the head of a family there then in 1830? A No sir.  
Q You are not able to give any testimony in reference to that matter  
A No sir.  
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.  
Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. 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 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 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.

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 article fourteen of that treaty 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 in Mississippi, take land there and become citizens of the States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his register or 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 lose both land and improvements for they were taken from them by the Government and sold at Public Land Sale; this caused a great many complaints on the part of the Indians and in 1837 Congress appointed a Commission under an act approved March 3, that year, 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 under an act approved August 10, that year, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under that article of that treaty?  
A I don't know.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they claimed that they held in Mississippi or Alabama in the old Choctaw nation and which the Government had taken from them and sold? A I don't know.

Q This scrip was issued under an act approved August 23, 1842. Who is Milton Ikard? A Second cousin of mine.

Q He has been before the Commission to be identified as a Mississippi Choctaw, hasn't he? A Yes sir.

Q Do you want to have his case and those of all relatives who claim through George Tubb consolidated under the head of the consolidated case of Milton Ikard et al., M.C.R. 767 and all considered together? A Yes sir.

Q Have you any evidence you want to introduce now? A No sir.

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

Q Do you want any time in which to do so? A

Attorney for applicant asks for thirty days to furnish other evidence; 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; blue eyes, fair complexion, light hair; she does not speak 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.

Q When were you married? A February 7, 1901.

Q Where? A Corsicana, Texas.

Q By a minister and under a license? A Yes 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 18, 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 10 day of May, 1902.

*Charles H. Sawyer*

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. 5238

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY OF  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Buelah D. Herrin,**

**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. 438  |
| 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 Burlison, 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 |
| Uia 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. Tubbs, et al.      | M. C. R. 5712 |
| Beile Ikard                   | M. C. R. 705  |
| 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. Colp, 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 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 Anzie 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."

—5—

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 H. Smith*

Chairman.

Registered.

M.C.R. 5238.

Muskogee, Indian Territory, May 1, 1905.

Boulah D. Herrin,  
 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 E. Ikard et al., of which decision you were advised on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 0238

For Identification as a Mississippi Choctaw.

Date Nov 15 1907

Name Bulah W. Herrin.

Age 22 - Blood 116

Post Office, Ferris, Texas

Father: Jack Blakney, I<sup>Emy</sup>

Mother: Lula Blakney, I

Claims through mother,

~~husband~~  
A. F. Herrin, I. W.

No claim for  
husband.

Children:

Claims for self  
alone

Stenographer H. G. Davis

Choctaw MCR 5239

Willies J. Atkins

See MCR 726

MCR 5239



# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY

Choctaw MCR 5239

Willies J. Atkins

See MCR 726

MCR 5239

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5239

In the matter of the application of Willies J. Atkins for the identification of himself and his two minor children, Miles Marvin and Ida May Atkins, as Mississippi Choctaws.

No attorney appearing for applicant.

Willies J. Atkins being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Willies J. Atkins; W-i-l-l-i-e-s.  
Q What is your age? A forty five.  
Q What is your post office address? A Corsicana, Texas.  
Q How long have you lived there? A About one month.  
Q Where were you born? A Alabama.  
Q You left there when? A When I was three or four.  
Q You went where? A Aberdeen, Mississippi.  
Q Lived there how long? A Three or four years.  
Q Then went where? A Memphis Tenn.  
Q Lived there how long? A Three years in the Mississippi Bottoms and from there went to Texas.  
Q Have you lived in Texas since? A Since '68.  
Q Where in Texas? A Principally in Hopkins County.  
Q Is your father living? A Yes sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A William C. Atkins.  
Q What was your mother's name? A Sarah A. Atkins.  
Q You claim your Choctaw blood through which? A Mother.  
Q How much Choctaw blood 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 Indian Territory?  
A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A She is dead; Minerva J.

- Q A white woman? A Yes sir.
- Q She has no Choctaw blood? A No sir, she don't claim any.
- Q Have you any children under twenty one years of age and unmarried you want to make application for? And by this wife who is now dead?
- A Yes sir.
- Q What is the name of the first child? A Miles Marvin.
- Q How old? A Sixteen.
- Q The next? A Ida May.
- Q How old is Ida May? A Thirteen.
- Q Have you any children that are over twenty one or married? A Yes I have three over twenty one and one that's twenty and married.
- Q Give me the name of your oldest child married? A Sarah A. Martin, we call her Sally.
- Q She married whom? A Austin Martin.
- Q She lives where? A Near Winsboro Texas.
- Q Give me the name of the nextchild? A John R. Atkins- 24 years old lives at Corsicana-he will apply here today; the next one then is Cora Ella Atkins not married but over twenty one.
- Q Lives where? A Sulphur Springs, Texas.
- Q How old? A Twenty two.
- Q Next? A William J. Atkins, jr. he is twenty but married. He is at Jacksonville, Texas.
- Q He married whom? A Bertha Haynes.
- Q Is that all your children? A Yes sir.
- Q Is Minerva J. Atkins the mother of these children? A Yes sir.
- Q Are you and she living together as husband and wife? A We was up to her death.
- 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 for yourself and children? A No sir.
- Q Have you ever made application for yourself and children at any time before this present application for enrollment 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 as a Mississippi Choctaw for yourself and children claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q Do you care to have it explained further? A I don't think it will be necessary.
- Q 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 What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rebecca Bass.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of that treaty? A I don't know sir.
- Q What relation was Rebecca Bass to you? A My great grandmother.
- Q Did she live in Mississippi? A Yes sir.
- Q Did she live there in 1830 and have a family there then? A Yes, about 1830; they moved from North Carolina about 1830.
- Q She had children living there then? A Yes; my grandfather and grandmother moved from North Carolina about 1829 or 1830 to Aberdeen Mississippi.
- Q That is a matter of family history and tradition that she was head of a family in Mississippi in 1830? A Yes sir.
- Q How old would she be if living now? A She would be about--- she died about sixty five years old along about 1865 and 1870. She would be about 97 years old.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go to the United States Indian agent, Col. Ward, within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- 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 from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 and 1840? A Not that I know of.
- Q Do you remember the names of your brothers and sisters? A James S. Atkins.
- Q He married whom? A Nettie Cooper.
- Q How old is he? A He is about forty seven now.
- Q He lives where? A Durant, Indian Territory.
- Q Is his wife white? A Yes sir.
- Q How many children have they- and can you give their names? A I can't tell you; I think four living.
- Q Can you give their names? A Eunice and Ella.
- Q Is Eunice married? A Yes sir.

- Q What is her name? A Rogilio is her husband.  
Q I.F.Rogilio? A Yes sir.  
Q we is white? A Yes sir.  
Q have they any children? A Four. Ella Gatlin comes next; she was Atkins and married Burrell K. Gatlin.  
Q what is the third child they had? A Mary Etta.  
Q is she married? A Yes sir.  
Q What is her husband's name? A --- Wright, I don't know his first name.  
Q How old is Mary, do you know? A No sir.  
Q Wright is a white man? A Yes sir.  
Q Do you know their children? A They have no children.  
Q What is the name of the fourth child of James S. Atkins? A Essie, she is not married; about nine years old.  
Q She appears here on this paper as eleven? A That's right.  
Q Now, the next brother or sister of yours? A Josephine Wilcox.  
Q Married whom? A Joe Wilcox.  
Q White man? A Yes sir.  
Q How old is she? A She would be about 40 - 39 or 40.  
Q Have they children? A Yes, she has quite a houseful- I can't tell how many  
Q Can you give the names? A No sir; they have 7 or 8. Can give you three, Julia.  
Q is she married? A Yes to Charlie Castle.  
Q How old is Julia? A I don't know. The next is Belle Wilcox.  
Q How old? A I can't tell you.  
Q Next? A Ulysses S. Grant Wilcox he is about 12 or 14 years old.  
Q is that all you can remember? A That's about all I remember.  
Q The next brother or sister of yours? A Frank O. Atkins, he is dead and has no children.  
Q Now the next? A Thomas H. Atkins.  
Q How old is he? A About 34 or 35.  
Q Is he married? A No sir.  
Q Any other brothers or sisters? A Effie Keltner.  
Q Now the next? A John H. Atkins.  
Q what's the last, isn't it? A Yes sir.  
Q How old is John? A About thirty years old.  
Q Is he married? A Yes sir.  
Q Married whom? A Married a Miss Lu Conner.  
Q White? A Yes sir.  
Q Any children? A One; I don't know its name.  
Q what's all you remember is it? A Yes sir.  
Q That's giving your brothers and sisters as well as you know how.

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 article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward, within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to do this caused many Indians who had lands and improvements there to lose both for they were taken from them by the Government and sold at Public Land sale. This caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3, that year, Congress appointed a Commission to go

to Mississippi and hear claimants under article fourteen of that treaty; in 1842 by an act approved August 23, that year, another Commission was appointed by Congress for the same purpose; 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 that treaty?

A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land to take the place of the land which they had occupied in the old Choctaw nation and which the Government had taken from them and sold? A Not that I know of.

Q This scrip was issued under act approved August 23, 1842.

Q Who is James F. Head? A He was a cousin of mine I guess.

Q He is a relative of yours? A Yes; they have been before the Commission.

Q And he claims through Rebecca Bass, do you? A Yes sir.

Q And you have had other relatives who have been before the Commission claiming through the same common ancestor seeking to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you want to have their cases considered with yours and others consolidated under the consolidated case of James F. Head et al., M.C.R. 726? A Yes sir.

Q Have you any other evidence you want to introduce now in support of this claim? A I have some testimony we brought along.

Joint affidavit of W.C. Atkins and S.C. McKee presented by applicant, received, filed and marked Exhibit "A" and made a part of the records in this case; also affidavit of Martha E. Head, received, filed, marked Exhibit "B"; also copy of the marriage license and certificate between W.J. Atkins and M.J. Alvis, received, filed, marked Exhibit "C"--

Q This M.J. Alvis is your wife? A Yes sir.

Q W.J. Atkins is yourself? A Yes sir. That is a typographical error in the license; you see the original copy was destroyed; we just had the County Clerk to duplicate the record.

Q Is that all you have? A Yes sir.

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

Q Is there any other evidence you want to introduce in this case?

A No sir.

Q Do you want time in which to introduce further testimony? A Yes sir.

(Reasonable time will be allowed in which to introduce further evidence.)

This applicant has the appearance and physical characteristics of

being descended from white parentage; brown eyes, florid complexion, dark hair sprinkled with gray-very dark brown. 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 18, 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 7th day of May, 1902.

*Charles H. Sawyer*

Notary Public.



Mississippi Choctaw  
5239.

Muskogee, Indian Territory, May 6, 1902.

Willies J. Atkins,  
Corsicana, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3,  
inclosing affidavit of W. J. Gordon, which you offer in support of  
your application for identification as a Mississippi Choctaw, and  
the same has been filed and made a part of the record in this case.

Yours truly,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, July 29, 1902.

Willies J. Atkins,  
 Comstock, Texas.

Dear Sir:

You are hereby advised that on the 29th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                            |   |      |
|--------------------------------------------|---|------|
| James F. Head, et al.,                     | " | 726  |
| Laura Pickens, et al.,                     | " | 750  |
| Lydia Head, et al.,                        | " | 751  |
| William A. Head, et al.,                   | " | 752  |
| Alzada Wash, et al.,                       | " | 755  |
| Cassie Elizabeth Cammie Lancaster, et al., | " | 800  |
| James H. Head,                             | " | 904  |
| Leonard Mason, Head,                       | " | 906  |
| Annie Lee Stith, et al.,                   | " | 908  |
| William Y. Head,                           | " | 909  |
| Dunreath Wilkinson, et al.,                | " | 1137 |
| Owen Head, et al.,                         | " | 1143 |
| James Head,                                | " | 1415 |
| Sidney A. Head, et al.,                    | " | 1430 |
| Sidney I. Watson,                          | " | 1526 |
| James Atkins, et al.,                      | " | 1537 |
| Guy D. Watson,                             | " | 1544 |
| Georgia Vaden, et al.,                     | " | 1747 |
| Fannie McCauley,                           | " | 1748 |
| Catherine McKee,                           | " | 1749 |
| Mattie Keltner, et al.,                    | " | 1750 |
| Hugh E. Watson, et al.,                    | " | 1827 |
| Wheibert Otho Head, et al.,                | " | 3487 |
| L. Eunice Rogillie, et al.,                | " | 3583 |
| Ellie Gatlin, et al.,                      | " | 3767 |
| Dora Harvey,                               | " | 4032 |
| Julia Castle, et al.,                      | " | 1904 |
| Willie J. Wilcox, et al.,                  | " | 2948 |
| Willies J. Atkins, et al.,                 | " | 5239 |
| John R. Atkins, et al.,                    | " | 5240 |

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded November twenty-seventh, eighteen hundred and thirty, and to their heirs and assigns, examine witnesses, and produce all other facts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James F. Head, Walter Isaac Head, Laura Dickens, William Dickens, David Dickens, Herbert Houston Dickens, Jesse Leroy Head, Harry Floyd Head, William A. Head, Olive Head, Wm. P. Head, Isaac H. Head, Roxy H. Head, Myrtle A. Head, Rhonda Nash, Willie Irene Head, James Arthur Nash, Cassie Elizabeth Fernie Lancaster, Robert V. Lancaster, James D. Lancaster, Julia Edna Lancaster, Loley May Lancaster, Robert L. Stuckey, Sam Stuckey, William G. Stuckey, James L. Head, Leonard Mason Head, Annie Lee Smith, Stella Maud Smith, William V. Head, Dorothea Wilkinson, Marcus Gillespie Wilkinson, Azalea Laureate Wilkinson, Thomas Moody Wilkinson, Mattie Andry Wilkinson, Owen Head, Lee Head, Roy Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Silvey A. Head, Willevary Head, Leslie Lou Head, Williard Head, Leonard C. Head, Sidney Head, Sidney I. Watson, James Atkins, Edzie C. Atkins, Sam C. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Keltner, Walton Keltner, Norman Keltner, Hugh H. Watson, Houston Lane Watson, Melbert Otha Head, Carl Head, Mennie Head, Birdie Head, Ruby Head, L. Eunice Rogillio, Willie Winy Rogillio, Flovie Henry Rogillio, Luther Rogillio, Anna Belle Rogillio, Ella Gatlin, Lois Adelia Gatlin, Verdie Lucile Gatlin, Dora Harvey, Julia Castle, Lessie Castle, Willie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Deady Wilcox, Lucy Wilcox, Gus Wilson, William J. Atkins, Miles Garvin Atkins, Ida May Atkins, John A. Atkins, and Orberia Atkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James P. Nead for the identification of his wife, Lucinda Nead, by Laura Pickens for the identification of her husband, Joseph Pickens, by Lydia Nead for the identification of herself, and by Alzada Wash for the identification of her husband, Robert C. Wash, in each case as an undivorced Mississippi Choctaw, should therefore be refused, and it is so ordered."

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

Yours truly,

*J. B. Nease*

Commissioner in Charge,

Registered.

M.C.R. 5239

Muskogee, Indian Territory, October 11, 1902.

Willies J. Atkins,

Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

*E. D. Morrison*

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 5239

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

Muskogee, Indian Territory, December 5, 1906.

Willies J. Atkins,  
Corsicana, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

*W. C. Beall*

Acting Commissioner.

DEPARTMENT OF ...  
Commissioner of ...

*Handwritten signature*

SPRINGFIELD  
DEC 6  
12-PM  
TEX 06

RECEIVED

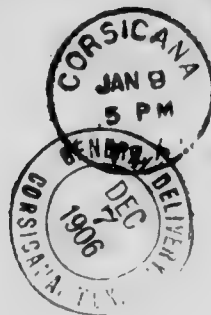
Department of the Interior.

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

1/7



Willies J. Atkins,  
Corsicana, Texas.





No. 5239

For Identification as a Mississippi Choctaw.

Date

Apr. 1902

Name Willies J. Atkins,

Age 45 - Blood 1/16

Post Office, Coahuila, Texas

Father: William C. Atkins, I.

Mother: Sarah A. " d.

Claims through mother  
wife Mineva J. Atkins, I.W.

Children:

Miles Marwin " 16

May Ida May " 13

Claims for self &  
children

Stenographer W. G. Harris.

Choctaw MCR 5240

John R. Atkins

See MCR 726

MCR 5240

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 18, 1902.

5240

In the matter of the application of John R. Atkins for the identification of himself and his minor child, Orbyrie Atkins, as Mississippi Choctaws.

No attorney appearing for applicant.

John R. Atkins being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John R. Atkins.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Corsicana Texas.  
Q How long have you lived there? A About three years.  
Q Where were you born? A Hopkins County, Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q What is your father's name? A Willies J. Atkins.  
Q He is living? A Yes sir.  
Q What is your mother's name? A Minerva J. Atkins.  
Q Is she dead? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Father.  
Q How much- A A thirty second.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir; he just now made application to be identified now.  
Q This is the first application he ever made? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Orbyn R. Atkins.  
Q She is living and a white woman? A Yes sir.  
Q You don't make any claim for her? A No sir.  
Q Have you any children you want to make application for? A One. Orbyrie Atkins; she is nine months old.

- Q Is Orbyn its mother? A Yes sir.  
Q You are the father? A Yes sir.  
Q The child is living with you? A Yes sir.  
Q You and your wife are living together as husband and wife? A Yes sir.  
Q Have you proof of the marriage of yourself and wife with you?  
A Yes sir.

Original copy of the marriage between John Atkins--

- Q Is this John Atkins in this marriage license and certificate the same as John R. Atkins, your name? A Yes sir.

---- and Miss Orban Jernigan

- Q Your present wife? A Yes sir.  
Q Is Orban in this license the same as Orbyn here in your application? A Yes sir.  
Q The "R" is left out in this license? A Yes; it is the same person.

- this marriage license received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q You introduce also this joint affidavit of W.C. Atkins and S.C. McKee, do you? A Yes sir.

-- received filed, marked Exhibit "B", and made a part of the record in this case.

- Q What is all the testimony you have to introduce? A Yes sir.  
Q Do you want time in which to introduce further if you think necessary? A Yes sir.

Reasonable time will be allowed.

- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal authorities? in the Indian Territory?  
A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?  
A No sir.  
Q Do you now come before the Commission to identify yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I think I do.

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

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rebecca Bass.  
Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A Not that I know of.  
Q What relation is Rebecca Bass to you? A Great great grandmother.  
Q Did she live in Mississippi in 1830? A Yes sir.  
Q Did she have a family there at that time? A Yes sir.  
Q In other words she was the head of a family there then? A Yes sir.  
Q This is a matter of family history and tradition? A Yes sir.  
Q How old would she be if living now? A About a hundred.  
Q You claim through your father? A Yes sir.  
Q How old is he? A Forty five.  
Q Where was he born? A In Alabama.  
Q And from Alabama went to what State? A Mississippi.  
Q And from there went where? A Tennessee.  
Q And from Tennessee where? A Back to Mississippi.  
Q And then where? A Texas.  
Q Where he now lives? A Yes 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 Not that I know of.  
Q Did any of them within six months after the treaty of 1830 was ratified 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 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 1838 or 1840? A I don't know, can't tell you.

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

The Choctaw Indians who remained back in the old Choctaw Nation in Mississippi and Alabama refusing to go to the Choctaw Nation in the Indian Territory, were required if they wanted to take advantage of article fourteen to go to Col. Ward the Indian agent who had an office or agency in Mississippi in 1830 and 1831 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States: a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their lands and improvements they were both taken from them by the Government and sold at Public Land Sale; this caused so many complaints that in 1837 March 3, Congress appointed a Commission to go to the State of Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose by Congress and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in the old Choctaw Nation and which the Government had taken from them and sold? A I don't know.

Q This scrip was issued under an act approved August 26, 1842.

Q What relation is James F. Head to you? A He is my grandfather; there is several of them; that one that made application to be identified as a Mississippi Choctaw is my second cousin.

Q And a great many other relatives of yours claiming through the same common ancestor? A Yes sir.

Q Do you want to have all those cases consolidated under the head of James F. Head et al., M.C.R. 726 and considered together? A Yes sir.

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

Q Is there any other evidence you want to introduce at this time?

A No sir.

Q Would you like time in which to introduce further evidence if you desire? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce other evidence, if produced in a very short time.)

A All right; twenty or thirty days will be enough.

This applicant has the appearance of being descended from white parentage; fair complexion, blue eyes, brown hair; he doesn't understand the Choctaw language and has no knowledge of the compliance by his ancestors with any of the provisions of article fourteen of the treaty of 1830. (-5- )

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 18, 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 7th day of May, 1902.

*Charles McFarmer*  
Notary Public.

Miss. Choctaw 5240.

Muskogee, Indian Territory, April 30, 1902.

John B. Atkins,  
Corsicana, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 25, in which you state that you have appeared before the Commission as an applicant for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830, and you ask to be advised the names and dates of the various acts of Congress relative to Mississippi Choctaws.

In reply to your letter you are informed that the law which empowers the Commission to identify so-called Mississippi Choctaws is found in Section twenty one of the Act of Congress of June 28, 1898, commonly known as the Curtis Act, which is found in the thirtieth volume of the U. S. Statutes, page 495, which provides:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 act of congress of May 31, 1900, provides as follows with reference to Mississippi Choctaws:



J.R.A. 2

"Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: 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."

The above act will be found in the thirty first volume of the United States Statutes, page 221.

No decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw, and it is not believed that the benefits of the act of congress last above quoted would accrue to applicants until they had been identified by this commission as Choctaw Indians entitled to rights in the choctaw lands under the fourteenth article of the treaty of 1830.

Yours truly,

Commissioner in Charge.

COPY. M C R 5240.

Muskogee, Indian Territory, July 29, 1902.

John R. Atkins,  
Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 29th, day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James P. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                            |   |      |
|--------------------------------------------|---|------|
| James P. Head, et al.,                     | " | 720  |
| Laura Dickson, et al.,                     | " | 720  |
| Irdia Head, et al.,                        | " | 731  |
| William P. Head, et al.,                   | " | 732  |
| Alzada Wash, et al.,                       | " | 733  |
| Cassie Elizabeth Corrie Lancaster, et al., | " | 900  |
| James H. Head,                             | " | 901  |
| Leonard Mason Head,                        | " | 902  |
| Annie Lee Stith, et al.,                   | " | 903  |
| William V. Head,                           | " | 904  |
| Dunreath Wilkinson, et al.,                | " | 1137 |
| Owen Head, et al.,                         | " | 1143 |
| James Head,                                | " | 1415 |
| Sidney A. Head, et al.,                    | " | 1430 |
| Sidney I. Watson,                          | " | 1527 |
| James Atkins, et al.,                      | " | 1528 |
| Sam M. Watson,                             | " | 1544 |
| Georgia Haden, et al.,                     | " | 1737 |
| Fannie McCaulley,                          | " | 1746 |
| Catherine McKee,                           | " | 1749 |
| Effie Keltner, et al.,                     | " | 1750 |
| Hugh E. Watson, et al.,                    | " | 1537 |
| Theobert Otho Head, et al.,                | " | 3227 |
| Johnice Novillio, et al.,                  | " | 3537 |
| Anna Catlin, et al.,                       | " | 3747 |
| Lora Harvey,                               | " | 4002 |
| Julia Castle, et al.,                      | " | 1001 |
| Willie J. Wilcox, et al.,                  | " | 2941 |
| Willies J. Atkins, et al.,                 | " | 5238 |
| John R. Atkins, et al.,                    | " | 5240 |

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

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

This decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James W. Head, Walter Isaac Head, Laura Dickens, William Wilson, Annie M. Wilson, Arthur Newton Wilson, James Leroy Head, Henry Elroy Head, William J. Love, Oliver J. Love, W. P. Head, George E. Head, Roy L. Head, Arthur J. Head, Elizabeth Head, Willie Irene Head, James Arthur Head, Cassie Elizabeth, Annie Lancaster, Robert A. Lancaster, James T. Lancaster, and Edna Lancaster, Peter Ray Lancaster, Robert L. Stuckey, Harry Stuckey, Willie M. Stuckey, James W. Head, Leonard Head, Annie Mae Stith, Stella Paul Stith, William W. Head, George Wilkinson, Thomas Gillespie Wilkinson, Anaclea Turcott, William, Thomas, and Wilkinson, Mattie Audry Wilkinson, Oren Head, Lee Head, George Head, Arthur Head, Pearl Head, Ruth Head, Herbert Head, Paul Head, James Head, Sidney A. Head, William Head, Annie Head, William Head, Leonard C. Head, John Head, William J. Watson, James Atkins, Jessie O. Atkins, Guy W. Watson, George W. Watson, Leon Watson, Fannie McCauley, Catherine Lee, John Keltner, Walton Keltner, Norman Keltner, John W. Watson, William W. Watson, Leabert Otto Head, Carl Head, Annie Head, George Head, Ray Head, J. Alice Kopolio, Lillie Head, George Head, John Head, Leona Kopolio, Carl Kopolio, John O. Atkins, John F. Atkins, Vera Lucille Gatlin, John Harvey, Julia Castle, Fessie Castle, Willie J. Wilcox, John Wilcox, Eugene Wilcox, Marie Wilcox, Pearl Wilcox, John Wilcox, Guy Wilcox, Charles J. Atkins, Walter Marvin Atkins, Ida May Atkins, John R. Atkins, and Orville Atkins, as persons claiming entitlement to rights in the lands hereunder under article fourteen of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and so be ordered."

"It is the further opinion of this Commission that under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Head for the identification of his wife, Lucinda Head, by Maria Pickens for the identification of her husband, Joseph Pickens, by Lydia Head for the identification of herself, and by Alzada Wash for the identification of her husband, Robert C. Wash, in each case as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

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

Yours truly,

*J. M. Nease*

Commissioner in Charge.

Respectfully,  
J. M. Nease

M.F.R. 5240

COPY

Muskogee, Indian Territory, October 11, 1902.

John R. Atkins,  
Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

Commissioner in Charge.

OCF 5240

Muskogee, Indian Territory, December 5, 1906.

John R. Atkins,  
Corsicana, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linbaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James P. Head, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 1<sup>st</sup> 1902

Name John R. Atkins

Age ~~24~~ 24 Blood 1/32

Post Office, Comicana, Texas.

Father: Willie J. Atkins l.

Mother: Minerva J. " d

Claims through father  
wife: Orbyrn R. Atkins, lw.

No claim for wife.

Children:

Orbyrie Atkins, 9m.  
FEMALE.

Claims for self  
and child

Stenographer H. M. Harris.

Choctaw MCR 5241

Delia Bryce

See MCR 5317

MCR 5241



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Atoka, Ind. Ter., June 6, 1900.

In the Matter of the Application of Delia :  
Brice et al, for Enrollment as Citizens : Choc) R-524.  
of the Choctaw Nation. :

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Delia Brice, being first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Delia Brice.
- Q What is your age? A 44 years.
- Q What is your post office address? A Kiawa, I. T.
- Q Do you live at Kiawa? A Yes sir.
- Q You make application as a Choctaw by blood? A Yes sir.
- Q What is the name of your father? A Wm. H. Price.
- Q Is he living? A No sir.
- Q Was he an Indian by blood? A Yes sir.
- Q Was his name on the Choctaw rolls when he was alive? A No sir.
- Q Do you know what county in the Choctaw nation he claimed to belong, when he was alive? A No sir. I don't know as he claimed any county.
- Q What was the name of your mother? A Lesa Turner before she was married.
- Q Is she living? A No, she is dead.
- Q Was she a citizen of the United States? A Yes sir.
- Q How long have you lived in the Ind. Ter? A Something near 30 years I came here in '70 I think.
- Q Have you been outside the Ty. in the last 3 years? A No sir.
- Q Have you ever been enrolled by the Choctaw tribal authorities?  
A No sir.
- Q Have you ever applied to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw nation? A Not in full. I tried, but I never applied simply because they wouldn't allow me to; I went to the council twice for that purpose and they wouldn't allow me because I didn't have the means to fulfil the laws.
- Q Did it require any great amount of money to get through council?  
A It required \$100 to get it through council.
- Q Who was you supposed to pay \$100 to? A The council I suppose; I was proving straight up; that was what I was aiming to do, but papa's death---he made his application before he died; it was full claim through council in fact; it was in the hands of our attorney, George Harkins, but he never got it through.
- Q Did you apply to the Dawes Commission in '96? A I only tried; I was on my sick bed for over 12 months, and they moved me from Harts-horn to Durant, and they told me there was only 10 days time and I did the best I could; I sent my youngest sister to get witnesses, but she only got two, and I went before a Notary and did the best I could, and I never heard of it again.
- Q You don't know whether your application was granted or rejected, do you? A The name was not found at all, and afterwards I learned that the papers had never been sent up. I got my sister to go and get Judge Clayton to write to the Dawes, and they said there was no papers there to that effect at all. I paid for it, but I never did hear of it, and when he wrote to the Dawes, he said there was never any papers there at all; and me being blind ever since papa died, I didn't have a chance to do anything. I went blind two years after he died; my father was recognized as an Indian always.
- Q What proportion of Choctaw blood do you claim to have? A 1/8.
- Q Are you married? A No, I never was.
- Q Is there any additional statement in regard to your case that you desire to make? A Yes--do you mean any witnesses to testify?
- Q I was asking if you wanted to make any further statement? A Yes I want to know if I can put in my sister's children's names I have raised; one of my sisters, on account of her laying at the point of

2-Brice.

death, she could not come.

- Q Have you anything further to say as to your case? A I have told a straight story about papa; if there is anything more necessary, I don't think of it.
- By Mr. Bryanton- Atty. for Miss Bryce:
- Q Do you know your grandfather's name? A Jimmie Bryce.
- Q And your grandmother's name? A Nellie Gravett.
- Q Which side did the Choctaw come from, do you know? A It come from my grandmother, Nellie Gravett.
- Q You have been paying out a good deal of money for a lawyer, have you not? A I have paid out considerable, and never have been benefitted by it because they neglected it.
- Q You have tried it time and again? A Yes, and I have paid out to 2 or 3 different lawyers, and I have paid out right smart of money-- every cent I could get hold of, trying to get it straightened up.
- Q How many brothers and sisters have you living? A I have my oldest sister, Virginia Campbell, Fanny Holl and Lizzie Marshall. My brother is dead, but he has a wife and seven children.
- Q You live in Atoka Co., Choctaw Nation? A Yes sir.

By Mr. Bixby:

- Q You will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers that you may desire to present; your testimony and such papers as you may present for filing with this Commission, will be forwarded to the Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw nation are sent to him for his approval.

Henry Bynington, being duly sworn in the above case, by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q How old are you? A Forty-nine years.
- Q Are you a Choctaw Indian? A Yes sir.
- Q What do you know about this case? A I had her case, and we had several affidavits prepared ready to bring before this Commission, and the fire at Caddo burned up a good many of documents of hers that belonged to her.
- Q Can't you replace these papers? A No, some of the witnesses are dead; we can replace a few of them.

You will be given further time to send in such further evidence as you may desire to file with the Commission

Note: Picture of the father of Delia Brice filed with the testimony in this case.

William M. Davism being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your age? A 62 years.
- Q What is your postoffice address? A Atoka.
- Q Do you know this applicant, Delia Brice? A Yes sir.
- Q What do you know about her citizenship? A Personally I don't know anything about her citizenship.
- Q What do you know about her case? A I don't know anything truly about the case more than I have been acquainted with her, and know that they have been trying to get this case before the Commission; they have been talking about it for a number of years; and I know that they have been financially poor, and I know of her affliction.

By Mr. Bixby: I am very sorry to learn that this woman has been spending her money, and wasting it on attorneys who have not given her case proper attention, and I have no doubt but that she has been fleeced by these attorneys, and yet, it is not in my power to do anything for her; I can only follow the law according to my instructions.

This testimony, and all these papers, and any other papers which you may desire to offer, will be forwarded

3-Bryce.

to the Hon. Secretary of the Interior for his examination when the rolls are sent up for final approval.

I am compelled to refuse your application for enrollment for the reason that your name does not appear on the rolls of the Choctaw Nation, and for the further reason that you do not appear to have been recognized by the properly constituted authorities of the Choctaw Nation, and for the reason also, that you were not admitted by the Commission to the Five Civilized Tribes under the Act of June 10, 1898, or by a judgment of the United States court for the Ind. Ter

- Q I understand you to also desire to make application for the children of your brother? A Yes, and I want to make application for my two sisters, if I can.
- Q Who is the mother of these children? A Emma Brice, my sister-in-law. My brother's wife.
- Q Is she a citizen of the United States? A Yes sir.
- Q How old is she? A Forty, I believe.
- Q What is the name of the father of these children? A James Hiram Brice. My full brother.
- Q Can you give the names and ages of the children? A Hiram T. Brice, age 16, Ethel Estelle, 14, Pushmataha, 12, Joseph Edgar, 10, Wm. Byr 8, Lethia Sandle, 6, Polly Melinda, 4 years.
- Q Where are these children living? A They are all living within 3 miles of Kiawa.
- Q Their postoffice address is the same as yours? A Yes, they all live with me.

By Mr. Bixby. The children will be included in the application of Delia Brice, and the decision is the same as in her case.

Frances R. Brown being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a true and complete transcript of her shorthand notes on the testimony of said witnesses in the above case.

Frances R. Brown

Subscribed in my presence and sworn to before me this 10th day of June, A. D., 1900.

[Signature]  
Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

TESTIMONY/

in the cases of

Delia Bryce et al.,                   M.C.R. 5241  
Frances Jane Bell et al.,       M.C.R. 5242

Delila L. Wright being called as a witness in these cases and sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Delilah L. Wright.  
Q What is your age? A I am in my 66th year.  
Q What is your post office address? A Byrne, Indian Territory.  
Q Have you ever made application to the Dawes Commission to be enrolled as a Choctaw citizen either by blood or as Mississippi Choctaw? A No sir, never had to prove nothing, 'cause my rights have never been disputed.  
Q You are a citizen of the Choctaw Nation? A Yes sir; I just come as evidence of being acquainted with her father.  
Q Do you know Delia Bryce? A Yes sir.  
Q Do you know Frances Jane Bell, her sister? A Yes sir.  
Q Where does Delia Bryce live now? A Kiowa.  
Q Do you live there? A No sir I live about fifteen miles West of Lehigh.  
Q How long have you known her? A About fifteen years.  
Q Have you at any time lived in the same neighborhood with her? A No sir; I haven't, but I have been near her.  
Q How did you happen to be acquainted with her? A Uncle Bill lived on Red River with uncle Billy Bryce; we lived with him nine months or so. I know the whole family.  
Q Well, do you know Frances J. Bell? A Well, I haven't seen Mrs. Bell since I lived up there by them on Red River.  
Q Do you know anything about Delia Bryce and Frances J. Bell being descended from Mississippi Choctaw ancestry and-- A Only what Uncle William Bryce told me; he was Frances Bryce's father.  
Q What did he tell you? A He said that his father was a preacher and had transferred to the Alabama conference; his father was a preacher; I think uncle Billy married down in Mississippi.  
Q Well, do you know tht he did? A Well, he told me so. And then he went to my father's.  
Q When did you first know him? A In 1873.

- Q How old was he then? A He has told me but I have forgotten whether it was fifty five or forty five; I think fifty five.
- Q Well, do you know when he died? A Well, Col. Hawkins had tended to his rights which he was applying for. I met Col. Hawkins several years after that; he asked me where Uncle Billy was and I told him that he moved his family of children to Dennison to school his children; and he said that he would like to see him, that he had got that right proved up, all that he needed was his presence.
- Q What was his personal appearance? A He was dark complected---darker than any of his children.
- Q Straight black hair? A Yes sir.
- Q Did he speak the Choctaw language? A No, I don't think he does.
- Q Do you understand the Choctaw language? A Not much.
- Q Is there anything more you want to say or you can think of in regard to either of these applicants being descended from Choctaw ancestors? A Well, uncle Billy said he never had owned any land in Mississippi- never had in his life owned a section of land and that his father was a preacher and had transferred to Georgia conference, but I don't know at what time he was transferred.
- Q Did he say where in Mississippi he was born? A If I recollect it right he lived on the Tombigbee River.
- Q You cannot recall the County? A No sir.
- Q Do you know whether he complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know.
- Q You don't know anything about that treaty or that article yourself?
- A No sir, I was ten years old when the Indians come from there, before they all left the old Choctaw nation.
- Q Well, you don't know anything about the provisions of article fourteen or whether he complied with them? A No sir.
- Q You never heard whether he went before Col. Ward within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A No sir.
- Q Or whether he owned or claimed any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of that treaty?
- A No sir, I don't.
- Q Or whether he ever went before either Commission of 1837 or 1842 and claimed benefits under article fourteen of the treaty of 1830?
- A No sir, I don't know anything about that.
- Q When did you come from Mississippi? A In 1853.
- Q He lived in Mississippi in 1853? A Yes sir; my father was a preacher too and was transferred to the Arkansas conference, we moved there and stayed there until his death after the War in '67 in January.
- Q Is there anything more you can think of in support of this claim?
- A No sir.
- Q Is there anything more you want to ask, Ladies? (to applicants:)
- A I don't, know; I would like to have you ask what the Indians thought about my father being Indian.
- (Witness answers:)
- Q You saw her father-- the father of Fannie J. Bell and Delia Bryce-- when he came from Mississippi? A Yes, I think he come here about '70.
- Q Well, you saw him when he came? A Yes sir; no sir, not till after he come here; I was well acquainted with him.
- Q What was the opinion of the neighbors who were Choctaw Indians as to whether or not these applicants' father looked and appeared to be a Choctaw Indian or having Choctaw Indian blood? A They all thought he was Choctaw because he looked more like them than some I

saw here that I knew was Choctaw.

Q But you don't think he talked the Choctaw language? A No, I don't think he did.

Q How much Choctaw blood did he look like he had? A He looked about a half but he claimed a quarter, only.

(Witness excused; and I.B. Bryce called and sworn as a witness testified as follows:

Q What is your name? A I.B. Bryce.

Q Where do you live? A Near Eufaula.

Q Is that your post office address? A Yes sir.

Q How old are you? A Forty six.

Q Are you a white man? A Well, I claim Choctaw a bit but I have never been recognized as a Choctaw.

Q Have you ever made application to the Dawes Commission? A Never before.

Q Are you related to Delia Bryce? A I am her uncle.

Q What relations are you to Frances J. Bell? A I am her uncle.

Q What do you know about their having any Choctaw blood? A I have always been taught that we were part Choctaw.

Q I am asking you now about them. A Well, I have always been taught as they were my nieces that my brother was part Choctaw.

Q Do you refer to their father as your brother? A Yes sir.

Q What was his name? A William Hiram Bryce.

Q When did he die? A In '75 I believe.

Q Where did he die? A Near Red River somewhere.

Q How old was he when he died? A I can't tell you exactly his age. He must have been somewhere in fifty and he died in '75-- no, it was in '65 I think he died; I won't be positive as to his death what year it was.

Q How old was he when he died? A I can't tell you exactly when he did die.

Q You don't know how old he would be if living now? A He would be about seventy two.

Q I wish you would tell how you get at the age. A He was born in 1832, if I am not mistaken, and as to the date of his death, I never had taken that; I was judging from my age when my mother received the letter that he was dead.

Q Did he live in Mississippi? A Yes sir.

Q Was he born in Mississippi? A I think so.

Q Do you know? A Nothing only from my parents' say so.

Q How old are you? A I am forty six.

Q Were you born in Indian Territory? A I was born in Georgia.

Q You have no family history or tradition then as to whether your brother was born in Mississippi? A I was taught by my father and mother that he was born there.

Q Well, if he would be seventy two years old now and was born in Mississippi he would have been one year old at the treaty of Dancing Rabbit Creek, that is, when it was ratified, wouldn't he?

A I think so.

Q What was his father's name? A James Bryce.

Q What was his mother's name? A Nellie Cravat before she was married.

- Q Through which one did he claim Choctaw blood? A His mother.
- Q Do you know as a matter of fact that his mother, Nellie Cravat, was living in Mississippi in 1830 and had a family there then?
- A Nothing only I was taught that by my father and mother and they went to Georgia from Mississippi.
- Q Did you have an elder brother or sister than the brother who is the father of Delia Bryce and Frances J. Bell? A Yes, one sister about two years older.
- Q You think he was born in Mississippi in 1832? A Yes sir.
- Q Think this sister must have been born in 1830? A I guess so; as far as knowing I don't know a thing.
- Q It is a matter of family history and tradition? A Yes, that's all I know that my mother was in the Bible, the family record; I know that there were about two years differences in all the ages.
- Q Where is that record now? A Back in Georgia.
- Q Could that record be produced in order to show when your brothers and sisters were born and when your father and mother were married?
- A I suppose so.
- Q It is a very material matter in this application. A I wouldn't be positive.
- Q It is necessary for these applicants, Delia Bryce and Frances J. Bell and for all applicants before the Commission seeking to be identified to prove, First: that they have Choctaw blood; Second, that that Choctaw blood comes from an ancestor who came from the old Choctaw Nation in Mississippi or Alabama, Third: that that ancestor lived there in that old Choctaw Nation in 1830 when the treaty of 1830 was signed and in 1831 when it was ratified and was the head of a family there then; and Fourth, that this Choctaw ancestor who was the head of a family there then in Mississippi or Alabama at the time the treaty of Dancing Rabbit Creek was ratified and within six months after complied or attempted to comply with the provisions of article fourteen of the treaty of 1830--- and the Mississippi Choctaw ancestor who fails or is unable to prove these points fails to make a full evidence in their cases. That is the reason why I asked you-- when you said that there was a family Bible that may possibly show these points you are trying to state; that's the reason I tell you of the necessity of producing such evidence.
- Q Now, how do you know that any of the ancestors of Delia Bryce or Frances J. Bell lived in the old Choctaw Nation in Mississippi or Alabama and within six months after the ratification of that treaty went to the United States Indian agent, Col. Ward and told him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say that I know they did that; I can't do it.
- Q Did any of the Choctaw ancestors of either of these applicants 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 think any of them owned any land there; that is as far as deeds or titles are concerned.
- Q Did any of the Choctaw ancestors of these applicants own any improvements on land in Mississippi or Alabama in 1830? A Well, they lived there but I don't know whether they owned their places or not. They were living there in Mississippi but as far as the date I can't say anything as to the date, or what they owned I can't say at all.

Q Did any of the Choctaw ancestors of these applicants go from the Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840

A I have been taught that the Cravats and my grandfather, John Cravat, come to the Indian Territory when the Indians left Mississippi; I don't know the date or nothing about that. I was always taught that my grandfather, John Cravat, come to the Choctaw Nation.

Q How much Choctaw blood did John Cravat have? A I always was told he was full blood.

Q He would be Delia Bryce's great grandfather and also of Frances J. Bell? A Yes sir.

Q Is there anything more you want to state in regard to their having Choctaw blood or any member of that ancestry having complied or attempted to comply with article fourteen of the treaty of 1830?

A Well, I can't say anything about that treaty. (Here Delia Bryce interrupts and says the Bible got destroyed.)

Witness excused.

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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 the above testimony in same.

*Henry G. Hains*

Subscribed and sworn to before me this 13 day of May, 1902.

*Charles H. Sawyer*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 18, 1902.

(Transferred from R. 524 to M.C.R. 5241.)

In the matter of the application of Delia Bryce for the identification of herself and her seven minor nieces and nephews, Thomas Hiram, Ethel Estell, Pushma-ta-ha, Joseph Edgar, Willim B., Letha S. and Polly M. Bryce, as Mississippi Choctaws.

No attorney acting for applicant.

Delia Bryce being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Delia Bryce. I am applying for myself and seven of my brothers' children- he is dead- I have been taking care of them since 1896 or 1897, I have been supporting them- all of us is working for them- the mother is too.
- Q What is your age? A Forty seven.
- Q What is your post office address? A Kiowa, Indian Territory.
- Q How long have you lived at Kiowa, Indian Territory? A I came there 17 or 18 years ago and stayed nine years and then moved away and was gone a while to the Chickasaw and then come back again.
- Q Where were you born? A I don't know; I reckon in Mississippi.
- Q What place in Mississippi? A The best I can remember it was somewhere not far from Holly Springs on Tombigbee River- I can remember this place.
- Q How long did you live in Mississippi? A I don't know.
- Q You left there and went where? A I don't know; my father went to Georgia, and after the War he come here.
- Q And then you came where after the War? A To the Chickasaw Nation; its in the Werthington Valley.
- Q You stayed there about how long? A About six years I believe.
- Q Then you went where? A To the Choctaw.
- Q And have lived there since, have you? A Not all the time.
- Q Most of the time? A Yes, most of the time, and then I went to the Chickasaw to my brother.
- Q Is your father living? A No sir.
- Q Is your mother? A No sir.
- Q What was your father's name? A William H. Bryce.
- Q What was your mother's name? A Frances M.S.A. Bryce.

Q You claim through your father? A Yes sir.  
Q How much Choctaw blood do you claim? A My father claim a fourth. I would be an eighth, wouldn't I?  
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, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A He wasn't put on the roll -- he had it proved up but---  
Q Do you know when and where your father and mother were married?  
A No sir.  
Q Have you proof of their marriage with you? A No sir.  
Q Can you get that proof later and present it? A Yes, I should think so.  
Q Are you married? A No sir.  
Q Have you any children that you wish to make application for?  
A None but my brother's children.  
Q What was your brother's name? A James Hiram Bryce.  
Q How long since he died? A In '97.  
Q Are his children living with you now? A Yes, that's my home now and has been for several years.  
Q And you are taking care of them and helping-- A Yes helping them that's all.  
Q Do they claim their Choctaw blood through their father? A Yes sir.  
Q Is she living? A Yes sir.  
Q Is she willing for you to make application for them today? A Yes that was my brother's last request that we should see after them and get their rights for them.  
Q And this you are now attempting to do because of his request and their mother's request? A Yes sir.  
Q You haven't been constituted legal guardian? A No sir.  
Q They claim through the same ancestor through whom you claim?  
A Certainly; yes sir.  
Q His wife knows that you are making this application and is willing that you should? A Certainly.  
Q What is the name of the oldest one of your brother's children?  
A Thomas Hiram Bryce.  
Q How old is he? A I think about eighteen.  
Q What is the name of the next child? A Ethel Estell.  
Q How old is that child? A Sixteen.  
Q What is the name of the next? A Pushma-ta-ha Bryce.  
Q How old is Pushma-ta-ha? A Fourteen.  
Q What is the name of the next child? A Joseph Edgar.  
Q How old? A About twelve I think.  
Q What is the name of the next? A William B. Bryce; he is ten.  
Q What is the name of the next? A Letha S. Bryce; she is eight.  
Q What is the name of the next? A Polly M.  
Q How old is Polly M? A Six years old.  
Q Is that all? A That's all.  
Q What is the name of the father of these children? A James Hiram Bryce.  
Q What is the name of the mother? A Nancy Emeline; we always call her Emmy.

- Q she is a white woman? A Yes sir.
- Q And living? A Yes sir.
- Q And your brother, the father of these children, James Hiram is dead? A Yes sir. He died in February 25, 1897.
- Q The children have been living with you since? A Yes sir.
- Q How much Choctaw blood did he have? A One eighth I think.
- Q You claim one sixteenth for the children? A Yes sir.
- Q Is the post office address of these children the same as yours? A No, they are at Guertie Indian Territory; thirty miles from Kiowa, they have been at Kiowa all the while till now.
- Q Whom are they with? A Their mother till I get to them.
- Q Are you going to take them back? A Guertie is my home.
- Q Well, your post office address is Guertie, then? A No, you write to me at Kiowa- my sisters are there-- well mine until I get through with this business will be at Kiowa; then I'm going home to Guertie to my brother's children.
- Q Was the father of these children through whom you claim for them the right to be identified as Mississippi Choctaws ever enrolled as a member of the Choctaw tribe of Indians or recognized in any way by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? 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; no sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and these children of your brother? A I tried a man in 1896; we paid a man to do it for us- I was in bed sick at the time and we never heard anything about it;- well, in 1897 they asked me for \$100 and I couldn't get in and in '98 again I couldn't get in for they asked me for \$100; and then I made an application at Atoka before the Dawes Commission.
- Q What year was it you went before the Commission at Atoka and made application for your own enrollment and for the enrollment of these children? A Last June a year ago.
- Q That was June 6, 1900, was it? A Yes sir.
- Q You only went once before the Commission? A That's all.
- Q Did you make an application for enrollment as a Choctaw by blood for yourself and these children? A Yes sir.
- Q What was done with that application, do you remember? A It's here.
- Q Was it refused or not? A Yes, cause I had lived in the Territory so long and had never made application and I didn't state that you know-- well my father had made application and had it all signed up before he died, but I didn't know it was necessary.
- Q At that time you also made application for the enrollment of your brother's children? A Yes sir.
- Q And you stated that the name of the mother of these children was Emma Bryces? A Yes; that's the same as this same one.
- Q Is the same as Nancy Emeline whose name you now give as the mother of these children? A Yes sir.

(Records of the Commission show that Delia Brice-- B-r-i-c-e

A That's a mistake in the writin; that's me; the right name is B-r-y-c-e.

--made application for herself and these children for whom she now makes application, as Choctaws by blood to the Commission at Atoka, June 6, 1900; this application was refused and she was notified of this refusal; she now makes application for identification for herself and these minor children of her brother, James Hiram Bryce, as Mississippi Choctaws.)

Q Now you want to have this record, do you, made by you at that time transferred to this application and made a part of this record?  
A If it is right I do.

Q It is for you to state. Do you want to have the record and all the papers filed in that record Choctaw R. 524, transferred to this application and made a part of this record? A If it necessary.

Q As the letter stated to you, Mrs. Bryce, it is for the purpose of giving you an opportunity to prove any right that you might have as a Mississippi Choctaw- that is as a descendant of any Choctaw Indian who resided in Mississippi and who applied and complied or attempted to comply with article fourteen of the treaty of 1830. If you have any rights as a descendant of a Mississippi Choctaw the Commission wants to offer you an opportunity to be heard and this examination will develop that. The fourteenth article then will be explained to you and these questions will be asked as to whether you desire the record made in your application for enrollment consolidated and made a part of the application for identification as Mississippi Choctaws? A Yes sir.

Q Your object in now coming before the Commission then is this - that you want to identify yourself and these children of your brother as Mississippi Choctaws claiming under article fourteen of the treaty of 1830, don't you? A That's my object now.

Q Do you understand article fourteen of the treaty of 1830?

A I am not positive but I think I do.

Q Have you read it? A No sir; I can't read it.

Q Have you heard people talk it to you? A Yes sir; I think it means that my ancestors complied or attempted to comply with that article and come in this country and took their land instead of taking them back there.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of that treaty was the removal of all the Choctaw Indians as far as possible 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 great many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Choctaw Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him

over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, do you know if any of your Choctaw ancestors ever complied or attempted to comply with article fourteen of that treaty? A Well, I suppose my great grandfather did; he come to this country years ago.

Q What was his name? A John Cavat, I think.

Q How do you spell that? A I don't know.

Q How much Choctaw blood did he have? A He was full blood-- he was my grandfather. I have been told he was a full blood, I think he was. All I know about this is what I have been told by my father.

Q Were you ever told that he lived in Mississippi? A I was told that he lived in Mississippi and come to this country in an early day.

Q Did he live in Mississippi in 1830-- 72 years ago? A I don't know.

Q Do you know of any Choctaw ancestor who lived in Mississippi or Alabama in 1830 and had a family of children there then? A I don't know.

Q You don't know of any Choctaw ancestor who did then? A No sir.

Q Now, the question asked you is this-- if you wished to have the record made by you in your application before the Commission at Atoka-- the number of which is 524-- transferred to this and made a part of this application--? A I think so.

Q And do you wish also to have the testimony and records made by Lizzie Marshall et al.-- case No. 703 and also of John V. Bell et al. Choctaw case #559, consolidated with your case of 524 and all be consolidated in one case as claiming through the same common ancestor? A Yes, that takes my father's family.

Q Are there any other relatives who have appeared before the Commission---? A Tommy Hallmark; one of my nephews.

Q Have any of your Choctaw ancestors ever owned any improvements on land in Mississippi or Alabama in 1830? A My father said they didn't

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 If they did I don't know; my father didn't. I have always been taught that none of my father's family didn't do that-- they was to come to this country.

Q Did any of your Choctaw ancestors come from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I think this John Cavat did.

Q Do you know what date he came? A No sir.

Q How do you know he came? A From my father and grandfather.

Q Did they tell you when he came? A I don't remember except at an early date.

Q Did any of your Choctaw ancestors own or claim any land or benefits of any kind under article fourteen of the treaty of 1830?  
A I don't know; none that I know of.

The Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the fourteenth article of that treaty-- if they refused to go to the Choctaw Nation, Indian Territory with the other Indians who went under the provisions of the treaty of 1830--- to go to the United States Indian agent, Col. Ward within six months from the ratification of the treaty of 1830 and 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 on his list known as Ward's Register; his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their lands and their improvements they were taken from them by the Government and sold at Public Land Sale; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3, that year, Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year, and this Commission went to Mississippi and heard claimants under that article fourteen.

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 If they did I don't know; I don't think they did on account of their coming here.

Q That would be in 1837 or 1842? A Well, I don't know.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in Mississippi and which had been taken from them by the Government and sold? (No answer.)

Q This scrip was given only to those Indians who had taken land from the Government in Mississippi and which the Government just took away from them later? A Well, my father nor my grandfather I know didn't. They always told me they didn't.

Q Then they never got any scrip as far as you know? A No sir.

Q Lizzie Marshall is some relative of yours? A Yes sir.

Q She has made application to be identified? A No sir; as a Choctaw by blood for enrollment.

Q Is she to appear before the Commission to be identified as a Mississippi Choctaw? A No sir; she has never received any notice.

Q Lizzie Marshall and John W. Bell made application to be enrolled as Choctaws by blood? A Yes sir.

Q And now probably will appear to be identified as Mississippi Choctaws? A Well, Mrs. Bell is appearing for her, but Mrs. Marshall didn't get no notice to appear; she didn't get it or she would have come along with us.

Q Have you any other evidence you want to introduce now? A Yeah we have two witnesses here that I would like to have questioned; was it necessary for me to speak about my father's having worked this up? Well, when he come to this country he was recognized by the Indians as an Indian blood, and he put it in the hands of a lawyer, George Harkens, who proved his right and he went to work and had plenty of good witnesses knowing these things; my papa died before the time for the case to come up and my mother too and it was dropped because Mr. Harkens didn't know where these children was and I didn't know how and what to do and couldn't tend to it myself. I reckon that's enough; my grandfather come to this country too to look out his location before papa came but he went back-- up close to Soulllyville, but he died there.

Q Do you speak or understand the Choctaw language? A I have forgot it; I used to hear papa talk it.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has medium fair complexion, brown eyes; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Mains 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 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Mains*

Subscribed and sworn to before me this 10 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

R.524

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Delia Bryce for the enrollment of herself and wards as citizens by blood of the Choctaw Nation.

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The applicant, Delia Bryce, appeared before the Commission at Atoka, Indian Territory, June 6th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her wards, Hiram T., Ethel E., Pushtamaha, Joseph E., William Bird, Letha S. and Polly M. Bryce, 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.

The application for enrollment as citizens by blood of the Choctaw Nation of Delia Bryce and her wards, Hiram T., Ethel E., Pushtamaha, Joseph E., William Bird, Letha S. and Polly M. Bryce, is therefore hereby refused.

BY THE COMMISSION/

  
Acting Chairman

Muskogee, Indian Territory, Aug 30, 1900.



Muskogee, Indian Territory, October 2, 1900.

Delia Brice,

Kiowa, Indian Territory.

Dear Madam:

The Commission is in receipt of certain papers forwarded by you and offered for filing in the matter of the application of yourself and your nephews and nieces for enrollment as citizens by blood of the Choctaw Nation.

The same are returned to you herewith for the reason that the Commission cannot accept or consider the same. The records in your case show that you on June 6h, 1900, appeared before the Commission at Atoka, Indian Territory and were there examined under oath and allowed to make any statement at that time that you desired to make. The Commission also accepted and filed at that time certain affidavits, statements and other exhibits offered by you. After carefully considering the oral testimony at the time of your appearance at Atoka and the written evidence submitted by you in support of the said application the Commission on August 30th, 1900, rendered a decision refusing the application of yourself and the application made on behalf of your wards. The action of the Commission as far as the consideration of your case is concerned, is final and cannot accept or consider any evidence now presented in support of the same.

If, however, you desire to have your case presented to the Secretary of the Interior, if you will notify the Commission

D. B. 2--

in writing, the record now made will be transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

In reply please refer  
to 7 R-524

Enc a

Muskogee, Indian Territory, May 29, 1901.

Della C. Bryce,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd of April referring to the application made by you for the enrollment of yourself and your nieces and nephews as citizens by blood of the Choctaw Nation and in which you desire to be informed as to the proper address of the Secretary of the Interior.

Any communication addressed Honorable Secretary of the Interior, Washington, D. C., will be promptly and properly delivered.

Yours truly,

Acting Chairman.

7-R-524

Muskogee, Indian Territory, May 29, 1901.

J. W. Bell,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th of April addressed to the Honorable Secretary of the Interior, Washington, D. C. and enclosing six affidavits offered by you in support of the application of yourself and family and Delia C. Bryce et. al applicants for enrollment as citizens by blood of the Choctaw Nation, your letter being referred to this Commission by the Secretary of the Interior for consideration and appropriate action.

The affidavits enclosed in your letter to the Secretary of the Interior are returned you herewith for the reason that the Commission cannot accept or consider the same in support of the applications of yourself and Delia Bryce and others for enrollment as citizens of the Choctaw Nation.

The records as to the application for yourself and your family as citizens of the Choctaw Nation show that on June 8, 1900, at Atoka, Indian Territory, you in person appeared before the Commission and made application for the enrollment of yourself as an intermarried citizen and your wife Frances J. Bell and your children Effie A. and Archie D. Bell as citizens by blood of the Choctaw Nation. After hearing your oral testimony and an examination of the records in its possession, the Commission refused the enrollment of yourself and your family for the reason that your names

JWR2

were not upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission; neither did it appear that either you or your family had ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory and your application as an intermarried citizen refused for the further reason that it did not appear from the evidence that you had ever been married to a recognized member of the Choctaw Nation in accordance with the tribal laws of that Nation.

As you and your family have not been recognized or enrolled members of the Choctaw Nation or ever admitted to citizenship therein by the duly constituted authorities either of the Nation or of the United States, the Commission considers that it is without jurisdiction to in any further manner hear, consider or make any further record of your application and has therefore to return the affidavits submitted by you to the Secretary of the Interior.

In due time the record made by the Commission as to your application for the enrollment of yourself and family as citizens of the Choctaw Nation will be transmitted to the Secretary of the Interior for his approval of the Commission's action.

As to Delia Bryce, et. al, the records of the Commission show a similar condition of fact. It appears from our records that at Aloka, Indian Territory, on June 6, 1900, Delia Bryce made personal application to this Commission for the enrollment of herself and her seven nieces and nephews as follows: Hiram P., Ethel E., Pustamaha, Joseph E., William Vird, Lethaf and Polly M.

JWB 3

Bryce as citizens by blood of the Choctaw Nation. The Commission after a consideration of the oral testimony and of such documentary evidence as Mrs. Bryce offered in support of the said application and a careful search of the records in the possession of the Commission, was compelled to refuse the enrollment of these parties as citizens of the Choctaw Nation for the reason that their names were not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission and that it did not appear that they had ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by the United States Courts in Indian Territory.

The Commission furnished Mrs. Bryce with a copy of such decision in writing on August 30, 1900 and is of the further opinion that it has no jurisdiction in any manner to receive, consider or make a record of any further testimony in this application. The record so made by the Commission will be transmitted in due time to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

7-R-524

Acting Chairman.

7-R-559

Enc J

Muskogee, Indian Territory, July 6, 1901.

Mrs. Delia C. Bryce,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th of May in which you request that the records in the matter of the application for the enrollment of yourself and your nephews and nieces as citizens of the Choctaw Nation be forwarded to the Secretary of the Interior for his consideration.

Your request has been filed with the other papers in this case and the records of such application will, in due time be forwarded to the Secretary of the Interior for his consideration.

Yours truly,

Commissioner in charge.

7- R.-524.

Muskogee, Indian Territory, July 15, 1901.

Delia C. Bryce,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 9, 1901, addressed to the Honorable Secretary of the Interior, Washington, D. C., and by him referred to this Commission for consideration and appropriate action. As the letter itself was addressed to the Commission to the Five Civilized Tribes, the mailing of the same to Washington was evidently a mistake.

The Commission has on numerous occasions addressed communications to you and J. W. Bell, Kiowa, Indian Territory, relative to your rights to enrollment as a citizen of the Choctaw Nation. In all of these communications you were informed that it did not appear from our records that you had ever been enrolled by the tribal authorities of the Choctaw Nation or that you had ever been duly and lawfully admitted to citizenship in that Nation by the Choctaw tribal authorities or the duly constituted authorities of the United States, and that therefore this Commission was without jurisdiction to enroll you as a citizen of the Choctaw Nation.

We are unable to understand the papers referred to in your



D. C. R.--8.

letter as having been forwarded to the Commission.

Yours truly,

Acting Chairman.

7-R 524

MoV

Choctaw R-524.

Muskogee, Indian Territory, March 10, 1902.

In the matter of the application of )  
Delia Brice, for the enrollment of )  
herself and her seven minor chil- )  
dren, Hiram T. Brice, Ethel E. )  
Brice, Pushtamaha Brice, Joseph E. )  
Brice, William B. Brice, Letha S. )  
Brice and Polly M. Brice, as citi- )  
zens by blood of the Choctaw Nation.)

Delia Brice,

Kiewa, Indian Territory.

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 children 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 perform all other acts necessary thereto, and make report to the Secretary of the Interior."

D. B., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your said minor children are the descendants of Choctaw Indians who resided in the 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.

*T. B. Needles.*

Commissioner in Charge.

Register.

M.C.R. 5241,  
5242 and 5205.

Muskogee, Indian Territory, May 23, 1902.

Delia Bryce,

Kiowa, Indian Territory.

Dear Madam:-

The Commission is in receipt of your communication of the 20th inst. wherein you request that a list of questions be forwarded to Robert Dreadlove, a Notary Public residing at Owl, Indian Territory, which questions you desire to have propounded to one J. J. Hallmark and used in your application for identification as a Mississippi Choctaw, and also in the applications of your sisters, Francis Jane Bell and Lizzie Marshall.

It is impossible for the Commission to comply with your request as depositions to be used in applications for identification as Mississippi Choctaws must be taken in conformity with the rules and regulations adopted by the Commission on June 4, 1901, a copy of which rules is herewith enclosed you, and your attention is specially invited to Sections B, C, D, and E of Rule 2, and Rules 12 and 13.

You are informed that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray and Cornish of South McAlester, Indian Territory, and it will be necessary that you

Delia Bryce-----2

have a copy of your affidavit and also a copy of the interrogatories which you desire to have propounded to your witness, served on a member of this firm and make proof of such service to the Commission to the Five Civilized Tribes before a commission will be issued for the taking of this deposition. To assure proper service and proof thereof, it is suggested that you have the United States Marshal at South McAlester, make the service on the attorneys for the Choctaw and Chickasaw Nations.

You will be allowed thirty days from this date in which to take the deposition of this witness.

Yours truly,

Acting Chairman

Enclosure  
Rules and Regulations

M.C.R. 5241

Muskogee, Indian Territory, June 12, 1902.

Delia C. Bryce,

Kiowa, Indian Territory.

Dear Madam:-

The Commission is in receipt of your communication of June 11, 1902, wherein you enclose what purports to be your affidavit setting forth the necessity of having the deposition of one John Jackson Hallmark taken in support of your application for identification as a Mississippi Choctaw, and also enclosing interrogatories to be propounded to said witness. They 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.

You state in your letter that you have prepared said purported affidavit and interrogatories yourself, being unable to employ counsel to do so for you, and request that if same are not in proper form, the Commission assist you in the preparation of same.

In the first place it will be necessary for you to make an affidavit before a Notary Public, setting forth the name and post-office address of your witness, that he is unable to appear before the Commission in person by reason of old age or infirmity, or sickness, as the case may be, and further that his testimony is material to your case, after which you will set forth in said affi-

Delia C. Bryce-----2

davit a brief summary of the testimony sought to be adduced from said witness. It will then be necessary for you to have depositions drawn up in duplicate, arranging them in separate questions, something in the following order:

What is your name?

Answer

What is your Post office address?

Answer

Do you know of your own knowledge which one of Delia C. Bryce's ancestors resided in Mississippi in 1830?

Answer.

After each question, as above set forth, you will note that space is left for an answer to be inserted. This must be done after each question in the interrogatories and the copy must be identical with the original. After the preparation of these interrogatories it will be necessary for you to send the original and copy to the United States Marshal for the Central District, Indian Territory, at South McAlester, with instructions to serve the copy on Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations and return the original to you with

Delia C. Bryce-----3

his proof of service thereto attached, and upon receipt of same from the Marshal you will forward it, with your affidavit, to the Commission to the Five Civilized Tribes at Muskogee, and after the required time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw attorneys a commission will be issued, authorizing the taking of the deposition of your witness, and will be sent to you to be placed in the hands of an officer authorized by law to take depositions, which in this jurisdiction is a Notary Public.

A commission cannot be issued for the taking of the deposition, until the above instructions are fully complied with.

Yours truly,

Commissioner in Charge

Enclosure  
G.H. 139



M.O.R. 5241.

Muskogee, Indian Territory, August 30, 1902.

Delia Bryce,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th inst., asking to be advised of the present status of your case. In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor nieces and nephews as Mississippi Choctaws.

No decision has yet been reached nor opinion rendered relative to the right of yourself and minor nieces and nephews to be identified as Mississippi Choctaws, but the Commission is now considering your application and it is probable a decision will be rendered in the near future.

Upon the rendition thereof you will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

COPY.

M. C. R. 5241

Muskogee, Indian Territory, October 25, 1902.

Delia Bryce,  
Kiowa, Indian Territory.

Dear Madam:

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

|                            |             |
|----------------------------|-------------|
| Ira B. Bryce, et al.,      | M.C.R. 5317 |
| Delia Bryce, et al.,       | " 5241      |
| Frances Jane Bell, et al., | " 5242      |
| Lizzie Marshall, et al.,   | " 5506      |

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 Ira B. Bryce, Zoro B. Bryce, Delia Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Pushma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie Bryce Bell, Lizzie Marshall, Ellen Marshall, Netter Marshall and Ula Marshall as Choctaw Indians entitled to rights in the Choctaw lands

--2--

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

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

Respectfully,

(SIGNED).

*James D. [unclear]*  
Acting Chairman.

Registered.

COPY.

M.C.R. 5241

Muskogee, Indian Territory, February 28, 1903.

Delia Bryce,  
Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ira B. Bryce, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

*Tamc Dickey*  
Chairman.

M.O.R.5241

Muskogee, Indian Territory, June 29, 1904.

Delia G. Bryce,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th 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 February 18, 1903, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Delia Bryce, et al. for identification as Mississippi Choctaws, of which Departmental action the several applicants were duly notified on April 28, 1903.

The Commission now considers this case closed, and it is not believed that any of the applicants herein are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

COPY

MCR 5241

Muskogee, Indian Territory, December 18, 1906.

Delia C. Bryce,  
Kiowa, Indian Territory.

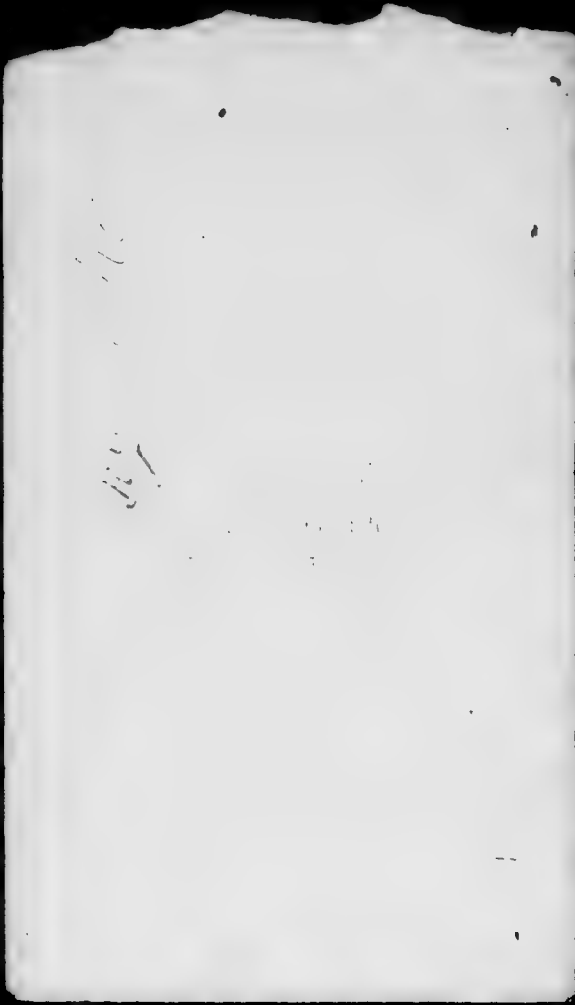
Dear Madam :--

There is enclosed herewith copy of Departmental letter of December 1, 1906, denying the petition of yourself and Fannie Bell, filed with this office June 22, 1906, praying that you be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish your rights to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,

*James C. ...*  
Commissioner.

JWH 18-6



After 10 days, return to

GLENN, IND. T.

GLENN  
MAY  
25  
IND. T.





**MEMORANDA.**

Name Miss Royce (Date) June 1900  
 Choctaw? Yes County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_  
 Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_  
 Citizen by blood? 1/2 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>16</u> | <u>William Thomas</u>   | County _____ | Year _____ | Page _____ | No. _____ |
| <u>14</u> | <u>Ethel Estell</u>     | County _____ | Year _____ | Page _____ | No. _____ |
| <u>12</u> | <u>Park Fairbank</u>    | County _____ | Year _____ | Page _____ | No. _____ |
| <u>10</u> | <u>Joseph Edgar</u>     | County _____ | Year _____ | Page _____ | No. _____ |
| <u>8</u>  | <u>John David</u>       | County _____ | Year _____ | Page _____ | No. _____ |
| <u>6</u>  | <u>Beatrice Bandler</u> | County _____ | Year _____ | Page _____ | No. _____ |
| <u>4</u>  | <u>Polly Malindid</u>   | County _____ | Year _____ | Page _____ | No. _____ |
|           |                         | County _____ | Year _____ | Page _____ | No. _____ |
|           |                         | County _____ | Year _____ | Page _____ | No. _____ |

Mrs Royce  
 Mary Susan Royce  
 June 1900

CASE NO. 524--Choc. R.,

In testimony the names of the  
applicant's children are given as:

Hiram T. Brice

Ethel Estelle Brice

Pushmataha Brice

Joseph Edgar Brice

William Byrd Brice

Lethia Sandle Brice

Polly Melinda Brice.

In the judgment these names are  
given thus:

Hiram T. Bryce

Ethel E. Bryce

Pushtamaha Bryce

Joseph E. Bryce

William Bird Bryce

Letha S. Bryce

Polly M. Bryce

R. C. G. Oct. 13, 1900.

For Identification as a Mississippi Choctaw.

Date

Name *Welia Bryce.*

Age *47* Blood *1/8*

Post Office, *Kiowa, I. T.*

Father: *William H. Bryce, d*

Mother: *Frances M. S. A " d*

Claims through *father*

*P.O. of the children  
is at Mertie, I. T.*

- Children: *nieces and nephews.*  
 (brothers children) *1/16*  
*Thomas Hiram Bryce, 18*  
*Ethel Estell - " 1/16 16*  
*Puckmataha " 1/16 14*  
*Joseph Edgar " 1/16 12*  
*William B. " 1/16 10*  
*Letha S. " 1/16 8*  
*Polly M. " 1/16 6*  
 father, *James Hiram " d 1/8*  
 mother, *Nancy Emeline (w) l*

*to claim for sep &  
brother children*

Stenographer *N. H. Harris.*

Choctaw MCR 5242

Frances Jane Bell

See MCR 5317

MCR 5242

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :  
John W. Bell et al for Enrollment as : Choc.-R.-559.  
citizens of the Choctaw Nation. :  
-----+

John W. Bell, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A John W. Bell.  
Q What is your age? A 52 years.  
Q What is your postoffice address? A Kiowa, I. .  
Q Do you live at Kiowa? A Yes sir.  
Q How long have you lived there? A About 16 or 17 years.  
Q Have you been outside of the Ty. during the past 3 years? A No sir  
Q You make application for enrollment as a Choctaw by intermarriage?  
A Yes sir. And my family also.  
Q What is the name of your father? A Gordonville.  
A Is he living? A Yes sir.  
Q Was he a citizen of the U. S., or an Indian? A He was until he  
married a citizen.  
Q Was he an intermarried citizen of the Choctaw Nation? A Yes sir.  
Q Has he ever been recognized by the Choctaw tribal authorities?  
A Yes sir.  
Q What is the name of your mother? A Martha Ann.  
Q Is she living? A No sir.  
Q Was she an Indian? A No sir.  
Q Was she a citizen of the United States? A Yes sir.  
Q Have you ever been enrolled by the tribal authorities? A No.  
Q Did you ever apply to the Choctaw tribal authorities for citizenship  
as an intermarried citizen of the Choctaw Nation? A No, I went to  
apply to them two falls, and I found it took \$100 to get our names  
before the Commission, and I didn't have the money  
Q Who asked you \$100? A The Commission I suppose, that is what my  
lawyer told me.  
Q Did you apply to the Dawes Commission in '96? A I undertook it,  
but the man we left it with failed to put it there, so I was in-  
formed by Judge Clayton.  
Q Was your name at the head of the application? A D.C. Brice et al  
was at the head of the application.  
Q What did you say happened to your case? A We tried to apply to  
the Dawes Commission about 4 years ago when they was in the Cherokee  
nation, and was notified that we had only ten days to send the appl  
plication up. D.C. Brice, my sister-in-law was here. Got a man  
by the name of Ross who claimed he was sending up papers; we paid  
him and furnished the ppers, and then found none of ~~xxx~~ our names,  
and a sister of hers come to Judge Clayton and he wrote to ask if  
they had ever appeared there, and the Dawes wrote back they had not  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Frances J. Bell.  
Q Under what law were you married? A U. S. law at Eureka Springs,  
Kansas.  
Q When? A In '82 I think.  
Q Have you your marriage license? A No it got burned in Eureka Sprag  
Q Where were you married at the time of your marriage? A Eureka. I  
lived there about 18 months before marrying.  
Q Is your wife living now? A Yes sir.  
Q Is her name on the Choctaw tribal rolls? A No sir.  
Q She has never been recognized by the Choctaw tribal authorities?  
A No sir.  
Q What county do you claim to belong to? A Atoka.  
Q Are you claiming for your wife? A Yes sir.

2-Bell.

- QA What do you claim her to be? A Choctaw.  
Q What is the name of her father? A Wm. H. Fryce.  
Q Is ~~he~~ a Choctaw? A Claims to be.  
Q Is he living? A No sir.  
Q What county did he belong to? A I don't know.  
Q What is the name of our wife's mother? Alphia.  
Q Was she a Choctaw Indian? A No sir.  
Q A white woman? A Yes sir.  
Q What proportion of Choctaw blood does your wife claim to have?  
A One-eighth.  
Q Have you got any children under 21 years of age? A Yes sir.  
Q Do you claim for them? A Yes sir.  
Q What are their names and ages? A Effie Ann, 13, Archie P. 8 years  
Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.  
Q Are there any papers which you wish to file? A No, this case and this blind cousin's case is together.  
Q If there are any papers which you desire to be considered in connection with this case, you will have to file them separately from the case of anyone else.. You will be permitted to file any additional evidence in the form of statements, affidavits or other proper papers that you may desire to present. This testimony and such other papers as you may be pleased to leave with this Commission will be forwarded to the Hon. Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for his final approval.

Your enrollment as an intermarried citizen of the Choctaw Nation, and the enrollment of your wife and children as citizens by blood of the Choctaw Nation, is refused for the reason that your name ~~for the names~~ of your family do not appear on the tribal rolls of the Choctaw Nation now in possession of this Commission, and for the additional reason that it does not appear from the testimony or the records, that you or any of the members of your family have ever been recognized as citizens of the Choctaw Nation by the properly constituted tribal authorities, and neither were you or the members of your family admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, acting under the Act of June 10, 1896, or by a judgment of the U. S. Court in the Ind. Ter.

Ad your enrollment as an intermarried citizen of the Choctaw Nation is refused for the additional reason that it does not appear from the testimony or the records that you were married to a citizen of the Choctaw Nation, and for the further reason that, in the event you were married to a citizen of the Choctaw Nation, you did not marry under tribal law as required by the tribal laws of the Choctaw Nation.

Frances R? Brown, being first duly sworn, says that as stenographer of the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete transcript of the testimony of said witness.

*Frances R. Brown*

Subscribed in my presence and sworn to before me this 15th day of June, A. D., 1900.

  
Acting Chairman.

Department of the Interior.  
Commission to the five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5242

In the matter of the application of Frances Jane Bell for the identification of herself and her two minor children, Effie Ann and Archie Bryce Bell, as Mississippi Choctaws.

Applicant not represented by attorney.

Frances Jane Bell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Frances Jane Bell.  
Q What is your age? A Thirty seven.  
Q What is your post office address? A Kiowa, Indian Territory.  
Q How long have you lived at Kiowa? A Almost twenty years.  
Q Where were you born? A In Georgia.  
Q At what place? A I don't remember.  
Q How long did you live in Georgia? A I moved from there when I was three years old and come to the Territory.  
Q And have you lived in the Territory since? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What was your father's name? A William Hiram Bryce.  
Q What was your mother's name? A Frances M.S.A. Bryce.  
Q Through which parent do you claim Choctaw blood? A 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 Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A If he was ever enrolled I don't know; he was just recognized by the Indians-- I mean by the neighbors and the Indians till he died. He died just before he had his business finished and he wasn't enrolled.  
Q Is your husband living? A Yes sir.  
Q What is his name? A John William Bell.

- Q Is he Choctaw Indian or white man? A White man.  
Q You make no claim for your husband, then? A No sir.  
Q Have you any children you want to make application for? A Two.  
Q What is the name of the oldest child? A Effie Ann Bell.  
Q How old? A She is fifteen.  
Q The next? A Archie Bryce Bell.  
Q How old is he? A Ten years.  
Q What is the name of the next? A That's all.  
Q You claim for yourself and children do you? A Yes sir.  
Q Is John W. Bell ifather of these children? A Yes sir.  
Q Were either you or your husband married before you married each other? A My husband was.  
Q Are there any children that you want to make application for by that marriage? A No sir.  
Q Are you and your husband and these children all living together at your home? 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 No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?  
A Yes sir.  
Q When did you make application? A We tried to do in 1896.  
Q You never did appear before the Commission in 1896? A No sir.  
Q Did you afterwards make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A Yes sir.  
Q Did you go before the Choctaw council? A No sir we could not file our case cause it required \$100 a head and we couldn't pay up.  
Q What's the reason why in 1897- you couldn't make application in 1897 before the Choctaw tribal authorities? A That's the reason.  
Q Now, later on did you make any before the Daves Commission? A Yes s my husband, Mr. Bell made one for me in June 1900.  
Q Where did your husband go? A To stocks.  
Q What was done with that application made at that time? Was it refused? A Yes, on the ground that we had never tried before.  
Q And you made application- or he did for you and your two children and for himself? A Yes sir.  
Q You now want to have that application made a part of yours and the record considered in this application? A Yes, I reckon that's the proper thing to do.

The number of that case is here referred to-- 559 John W. Bell et al. vs. Choctaw Nation.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Do you now come before the Commission to be identified 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 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 great many Indians Choctaws would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests of those who wanted to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty; the treaty was then signed and afterwards on the 24th day of February 1831 was ratified. 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, six and a quarter section to such child as may be under ten years of age to adjoin the location of the parent, if they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

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

A They came here.

Q Did they go the United States Indian agent and tell him they wanted to take land there in Mississippi? A If they did 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 John Cravat and Nellie Cravat.

Q C-r-a-v-a-t? A I think that's the way. C-a-v-a-t is what they always called him; I don't know just what it is; I don't know how its spelled or pronounced.

Q Now your sister says Cravat. A I suppose that will be the right. That will be all right.

Q But you will have to spell it some way; give us some idea.

A My aunt says it is C-r-a-v-a-t. Mrs. Wright.

Q Do you know whether he lived in Mississippi or Alabama in 1830?

A I don't know.

Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi or Alabama in 1830? A Yes sir.

Q Who lived therein that year and was the head of a family there then? A Well, I really don't know anything about what-

- Q You never heard in the family - as a matter of family history?  
A Not just the year; I know they lived there but I can't remember the time.
- Q You claim through your father? William H. Brice, do you? A Yes sir.
- Q Did he ever live in Mississippi or Alabama? A I have heard them say; I have heard him speak of the Holly Springs Creek in Mississippi
- Q Was he born in Mississippi? A I don't know.
- Q Whom did he claim through, his father or mother? A His mother.
- Q What was her name? A Nellie Cravat before she married.
- Q And John Cravat was her father? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, 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 1836? or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw nation in Mississippi or Alabama after the treaty of 1830 was ratified refusing to go to 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 who had an agency in Mississippi in 1830 and 1831 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names COL. Ward failed to put upon his list known as Ward's register and his neglect to do so caused a great many Indians who had land in Mississippi upon which they had improvements to lose both the lands and improvements for they were taken from them by the Government and sold at Public Land Sale; in 1837 as a result of the complaints made 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 and this Commission also went to Mississippi and heard claimants under article fourteen.

- 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 I do not know.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of that treaty and if it further appeared and was shown that he had formerly

owned land in Mississippi which the Government had sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, and that a certificate or scrip to that effect should be given to him.

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 Lizzie Marshall? A Yes, my sister.

Her number is M.E.R. 703.

Q Do you want to have her case considered with yours in order that all these cases may be considered together? A Yes sir.

Q Has she made application to be identified as a Mississippi Choctaw? A No sir, she has not.

Q She proposes to come here? A Why of course, as soon as she knows; she wasn't notified.

Q Have you any other evidence you want to introduce now? A Yes sir.

Q These affidavits are no good; I will give you reasonable time to introduce any proper proof that you may desire to present to the Commission to substantiate your claim. This don't say a word about that,--

Reasonable time is allowed this applicant in which to offer proper proof in support of her claim.

Q If you were making an application as a Choctaw by blood they would be in order; but you will be allowed a reasonable time to show that your ancestors lived in Mississippi or Alabama in 1830 and complied with article fourteen of the treaty of 1830.

Q Do you speak or understand the Choctaw language? A Yes, enough to trade with them.

This applicant has the appearance and physical characteristics of being descended from white parentage except that she has dark skin, black hair and black eyes- she is very dark in her complexion. She claims one eighth Choctaw blood and it is not impossible that her dark complexion is due to her Indian blood; however, the Commission is unable to determine any farther than that she is dark in color and hair and eyes.

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 18, 1902, and that this is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th day of May, 1902.

*Charles H. Hains*

Notary Public.

R. 554

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Bell for enrollment as an intermarried citizen of the Choctaw Nation and for enrollment of his wife and two minor children as citizens by blood of the Choctaw Nation.

The applicant, John W. Bell, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from his oral testimony given at that time on behalf of his claim for enrollment as an intermarried citizen of the Choctaw Nation and for enrollment of his wife Frances J. Bell and his two minor children, Ellie A. and Archie B. Bell 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, John W. Bell is not married to a citizen of the Choctaw Nation and was not married under the Choctaw tribal laws as required by the law of the Choctaw Nation.

The application for enrollment as an intermarried citizen of the Choctaw Nation of John W. Bell, and for enrollment of his wife Frances J. and his minor children Effie A. and Archie B. as citizens by blood of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.

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

Muskogee, Indian Territory, August 30, 1900.

Muskogee, Indian Territory, October 1, 1900.

J. W. Bell,

Kiowa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date enclosing evidence which you desire to be filed with the other papers in the matter of the application of yourself and on behalf of your wife and two minor children for enrollment as citizens of the Choctaw Nation.

The Commission cannot accept or consider these papers in the matter of the application of yourself and your family for the reason that the records in this case, as far as the action of the Commission is concerned, are closed, you having appeared before the Commission at Atoka, Indian Territory, June 8th, 1900 and at that time and place were allowed to present fully your claim and the claims of the members of your family for citizenship in the Choctaw Nation. The Commission since that time has carefully considered your oral testimony then given before the Commission and on August 30th, 1900 rendered a decision refusing the application made by you and your family as citizens of the Choctaw Nation. The record so made in this case is now closed but if you desire to have the same presented to the Secretary of the Interior will so notify the Commission in writing the papers now in the possession of this office will be forwarded to him when the final rolls of the citizens of the Choctaw Nation are sent to the Secretary of

J. W. B. 2--

the Interior for approval.

Yours truly,

Acting Chairman.

In reply please  
refer to 7-R-559

Enc 0

Muskogee, Indian Territory, May 3, 1901.

John W. Bell,

Kiowa, Indian Territory.

Dear sir:

Receipt is hereby acknowledged of your letter of April 20, in which you request that the papers in your case and in the case of Delia C. Bryce be forwarded to the Secretary of the Interior.

Your request has been duly filed with the other papers in your case and the record so made will be forwarded to the Secretary of the Interior.

Before any record can be made of the request of Delia C. Bryce, it will be necessary that she forward to the Commission a separate request for filing with the papers in her case.

Respectfully,

Acting Chairman.

7-R-559

Muskogee, Indian Territory, May 29, 1901.

J. W. Bell,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th of April addressed to the Honorable Secretary of the Interior, Washington, D. C. and enclosing six affidavits offered by you in support of the application of yourself and family and Della C. Bryce et. al applicants for enrollment as citizens by blood of the Choctaw Nation, your letter being referred to this Commission by the Secretary of the Interior for consideration and appropriate action.

The affidavits enclosed in your letter to the Secretary of the Interior are returned you herewith for the reason that the Commission cannot accept or consider the same in support of the applications of yourself and Della Bryce and others for enrollment as citizens of the Choctaw Nation.

The records as to the application for yourself and your family as citizens of the Choctaw Nation show that on June 8, 1900, at Atoka, Indian Territory, you in person appeared before the Commission and made application for the enrollment of yourself as an intermarried citizen and your wife Frances J. Bell and your children Effie A. and Archie D. Bell as citizens by blood of the Choctaw Nation. After hearing your oral testimony and an examination of the records in its possession, the Commission refused the enrollment of yourself and your family for the reason that your names



JWB2

were not upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission; neither did it appear that either you or your family had ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory and your application as an intermarried citizen refused for the further reason that it did not appear from the evidence that you had ever been married to a recognized member of the Choctaw Nation in accordance with the tribal laws of that Nation.

As you and your family have not been recognized or enrolled members of the Choctaw Nation or ever admitted to citizenship therein by the duly constituted authorities either of the Nation or of the United States, the Commission considers that it is without jurisdiction to in any further manner hear, consider or make any further record of your application and has therefore to return the affidavits submitted by you to the Secretary of the Interior.

In due time the record made by the Commission as to your application for the enrollment of yourself and family as citizens of the Choctaw Nation will be transmitted to the Secretary of the Interior for his approval of the Commission's action.

As to Delia Bryce, et. al, the records of the Commission show a similar condition of fact. It appears from our records that at Atoka, Indian Territory, on June 6, 1900, Delia Bryce made personal application to this Commission for the enrollment of herself and her seven nieces and nephews as follows: Hiram P., Ethel E., Pustamaha, Joseph E., William Vird, Lethaf and Polly M.

JWB 3

Bryce as citizens by blood of the Choctaw Nation. The Commission after a consideration of the oral testimony and of such documentary evidence as Mrs. Bryce offered in support of the said application and a careful search of the records in the possession of the Commission, was compelled to refuse the enrollment of these parties as citizens of the Choctaw Nation for the reason that their names were not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission and that it did not appear that they had ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by the United States Courts in Indian Territory.

The Commission furnished Mrs. Bryce with a copy of such decision in writing on August 30, 1900 and is of the further opinion that it has no jurisdiction in any manner to receive, consider or make a record of any further testimony in this application. The record so made by the Commission will be transmitted in due time to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

7-R-524

Acting Chairman.

7-R-559

Enc j

M.C.R. 5241,  
5242 and 5505.

Muskogee, Indian Territory, May 23, 1902.

Delia Bryce,

Kiowa, Indian Territory.

Dear Madam:-

The Commission is in receipt of your communication of the 20th inst. wherein you request that a list of questions be forwarded to Robert Dreadlove, a Notary Public residing at Owl, Indian Territory, which questions you desire to have propounded to one J. J. Hallmark and used in your application for identification as a Mississippi Choctaw, and also in the applications of your sisters, Francis Jane Bell and Lizzie Marshall.

It is impossible for the Commission to comply with your request as depositions to be used in applications for identification as Mississippi Choctaws must be taken in conformity with the rules and regulations adopted by the Commission on June 4, 1901, a copy of which rules is herewith enclosed you, and your attention is specially invited to Sections B, C, D, and E of Rule 2, and Rules 12 and 13.

You are informed that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray and Cornish of South McAlester, Indian Territory, and it will be necessary that you

Delia Bryce-----2

have a copy of your affidavit and also a copy of the interrogatories which you desire to have propounded to your witness, served on a member of this firm and make proof of such service to the Commission to the Five Civilized Tribes before a commission will be issued for the taking of this deposition. To assure proper service and proof thereof, it is suggested that you have the United States Marshal at South McAlester, make the service on the attorneys for the Choctaw and Chickasaw Nations.

You will be allowed thirty days from this date in which to take the deposition of this witness.

Yours truly,

Acting Chairman

Enclosure  
Rules and Regulations

COPY

M. C. R. 5242

Muskogee, Indian Territory, October 25, 1902.

Frances Jane Bell,  
Flowa, Indian Territory.

Dear Madam:

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

|                            |             |
|----------------------------|-------------|
| Ira B. Bryce, et al.,      | M.C.R. 5317 |
| Delia Bryce, et al.,       | " 5241      |
| Frances Jane Bell, et al., | " 5242      |
| Lizzie Marshall, et al.,   | " 5505      |

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 Ira B. Bryce, Zoro B. Bryce, Delia Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Pushma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie

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

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

Respectfully,

(SIGNED)

*James Dixby.*  
Acting Chairman.

Registered.

M.C.R. 5942

COPY.

Muskogee, Indian Territory, February 28, 1903.

Frances Jane Bell,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ira B. Bryce, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

SIGNATURE

*Tamc E. ...*  
Chairman.

MCR 5242

COPY

Muskogee, Indian Territory, December 18, 1906.

Fannie Bell,

Kiowa, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of Departmental letter of December 1, 1906, denying the petition of yourself and Delia C. Bryce, filed with this office June 22, 1906, praying that you be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish your rights to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,

*John D.*  
*Gene P. P. P.*  
Commissioner.

JWH 18-5



For Identification as a Mississippi Choctaw.

Date APR 15 1902

Name Frances Jane Bell

Age 37 Blood 1/8

Post Office, Kiowa, D.T.

Father: William H. Bryce

Mother: Frances M. A. Bryce

Claims through father -  
No husband  
John W. Bell, I.W.

No claim for husband

Children:

Effie Ann Bell, 15-

~~Artie~~ Artie Bryce " 10

Claims for self &  
children -

Stenographer H. L. Harris,



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Handwritten text, possibly a list or notes, including the word "Christians" and "Indians".

Handwritten text, possibly a signature or a specific entry.



MEMORANDA.

57 Name John H. Bell (Date) June 1900 1899

Choctaw?  County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? Yes

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Wife's name, Fanny Bell

Choctaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? Yes Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Names of children:

13 Effie A. Bell County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

8 Archie R. Bell County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

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County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

PC Rianna } Mother's father  
Father George Bell } W N Boyer  
Mother Martha a. Bell } Martha  
Wife Fanny } Altha Boyer  
Child

Choctaw MCR 5243

Warren Nichols

MCR 5243

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

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In the matter of the application of Warren Nichols, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5243.

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

|                                                                                                                                      | (Page) |
|--------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Warren Nichols, et al.,<br>before the Dawes Commission for identification<br>as Mississippi Choctaws .....   | 1      |
| Petition of Warren Nichols, with exhibits attached ....                                                                              | 13     |
| Decision of the Commission denying the application<br>of Warren Nichols, et al., for identification<br>as Mississippi Choctaws ..... | 21     |

-----o-----



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., April 22, 1902.

#5243

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In the matter of the application of Warren Nichols for the identification of himself and his minor child, Elmer Nichols, as Mississippi Choctaws, and for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw.

Applicants represented by M. M. Lindley, attorney.

Warren Nichols, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Warren Nichols.  
Q What is your age? A Twenty-four.  
Q What is your post office address? A Jackson.  
Q Indian Territory? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Gertie.  
Q Have you any children? A One.  
Q What is the name and age of your child? A He will be three years old the 3rd of October.  
Q How old is your wife? A She's twenty-three.  
Q Have you, your wife or your minor child ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

The tribal rolls of the citizens of the Choctaw Nation in the possession of the Commission have been carefully examined, and the names of none of these applicants appear thereon.

- Q Have you, your wife and minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities?  
A I don't know; I don't understand you.  
Q Have you ever been admitted by the Choctaw National Council at Tushkahoma? A No sir.

It does not appear from the record of persons admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, that these applicants were ever admitted to citizenship in the Choctaw Nation by the tribal authorities of that Nation.

Warren Nichols et al.,--2.

- Q Were you or your wife or minor child admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? No answer.
- Q Were you or your wife or minor child admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes? A No sir.

The records of persons admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, have been carefully examined, and the names of these applicants do not appear thereon.

- Q Were you, your wife or your minor child ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.

Records of persons admitted to citizenship in the Choctaw Nation by decree of the United States Court in Indian Territory, have been carefully examined, and the names of these applicants do not appear thereon.

- Q You claim for yourself and your minor child as citizens by blood of the Choctaw Nation, and your wife as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
- Q Has your wife at any time ever been married to a duly recognized and enrolled citizen of the Choctaw Nation? A No sir.
- Q Do you make any claim for yourself and wife and minor child as Mississippi Choctaws under the provisions of the fourteenth article of the treaty of 1830? A Mississippi?
- Q Yes; do you claim any rights as Mississippi Choctaws under the fourteenth article of the treaty of 1830? A I don't know about that.
- Q Well, do you or do you not? A I don't claim Mississippi.
- Q Do you claim any rights as a Mississippi Choctaw? A Yes sir.
- Q Do you want to make application now for citizenship in the Choctaw Nation, to be identified as Mississippi Choctaws, for yourself and wife and minor child; you claim through a Mississippi Choctaw Indian do you not? A Yes sir.
- Q Well, you want to make application then for the identification of yourself and your wife and your minor child? A Yes sir.
- Q Does your wife claim her right to be identified also through her ancestors being Mississippi Choctaws? She will have to claim that she had ancestors who were Choctaw Indians who lived in Mississippi, as well as you, if you claim for her? No answer.
- Q Is your wife a white woman? A Yes sir.
- Q Do you want to make application for your wife for identification as a Mississippi Choctaw through intermarriage or not? I will explain to you that there is no law known to the Commission whereby a person can be identified as a Mississippi Choctaw claiming the right of intermarriage. If she is a white woman, there is no authority. The only authority vested in the Commission to identify any applicant as a Mississippi Choctaw is contained in section twenty-one of the act of Congress of June 28,

1898, otherwise called the Curtis Bill. Before you state whether you want to make application for your wife or not, I want to read you that portion of section twenty-one of the Curtis Bill which authorizes the Commission to receive applications for identification as Mississippi Choctaws. This portion of section twenty-one of the Bill known as the Curtis Bill pertaining to the authority of the Commission reads as follows:

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

You will notice that it says: "Said Commission"---This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty of 1830." She could not claim under article fourteen of the treaty of 1830, nor any of her ancestors, because those were Indians living back there in Mississippi in 1830 who claimed rights under the article of that treaty, so that you can see plainly that in making application for your wife, who is a white woman, as a Mississippi Choctaw there is no authority as read in this authority.

- Q Now, under the circumstances, do you want to make application for her or not? No answer.
- Q What is your wife's name? A Gertie Nichols.
- Q What is her father's name? A F. Hollingsworth.
- Q Is he living or dead? A He's living.
- Q Is he a white man? A Yes sir.
- Q What is your wife's mother's name? A Emmer.
- Q Is she a white woman? A Yes sir.
- Q Living? A Yes sir.
- Q Is your wife a white woman? A Yes sir.
- Q You do not claim that she has any Choctaw blood? A No sir.
- Q And her parents are both white people? A Yes sir.
- Q And she doesn't claim any Choctaw blood through either parents does she? A No sir.
- Q Has your wife's parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Never has been recognized by the Choctaw tribal authorities or by the Dawes Commission in any manner, or been admitted by either authorities to rights of citizenship in the Choctaw Nation?
- A No sir.

Warren Nichols et al.,--4.

- Q You simply make this application for her as being your wife as an intermarried Mississippi Choctaw? A Yes sir.
- Q And you now come before the Commission to identify yourself and your minor child and your wife as an intermarried Mississippi Choctaw claiming under article fourteen of the treaty of 1830, do you? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you know what a treaty is? A Why----yes.
- Q What is a treaty as you understand it? A Why, a treaty with the Choctaws wasn't it?
- Q Yes, that was a treaty made between the Choctaws and who else? A United States I suppose.
- Q You know what a contract is in writing I suppose; made between two or more persons? A No sir.

Well, suppose you and I make a contract; I want you to work for me and I will give you so much for the work and that agreement is put into writing; that is a contract. Now if you represent the Choctaw Nation and I represent the United States government we would call it a treaty instead of a contract. A treaty is a compact made in writing between two or more nations instead of individuals and is signed by the accredited representatives of those different nations who are parties to such contract. Such a contract 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, principally, to remove, as far as practicable, all 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 Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect their interests article fourteen was put into the treaty of 1830. 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 entitled to any portion of the Choctaw annuity."

Warren Nichols et al.,--5.

- Q Now do you think you understand the provisions of that treaty---  
of that article of that treaty---as explained and read to you?  
A Yes sir.
- Q How much Choctaw blood do you claim, do you know? A No sir,  
I don't.
- Q What is your father's name? A Pleas Nichols.
- Q Is he living? A No sir.
- Q You don't know whether he ever had any Choctaw blood? A He  
died when I was small. I don't know anything about my father.
- Q Is your mother living? A No sir.
- Q What was her name? A Viney.
- Q V-i-n-e-y? A Yes sir.
- Q Did she have any Choctaw blood? A No sir.
- Q Neither your father or mother, or don't you know? No answer.
- Q Your mother didn't have any you say. Do you know whether your  
father had any or not? A Well that's a matter that's impos-  
sible for me to say.
- Q Your father was an Indian was he? A Yes sir.
- Q How much of Indian was he? Now if you do not understand the  
question say you don't and I will put it in some other form.
- A I don't know.
- Q Was he full blood, half blood, quarter blood, a sixteenth or  
thirty-second; how much Choctaw blood did he have if you know,  
of if you ever heard in the family? A I never heard.
- Q Was he a full blood Indian? A No sir.
- Q Now do you think he had half Indian blood, or cant you give any  
estimation? A I 'spect he was about one-half.
- Q Did you ever hear anybody in the family say so, or hear him say  
so, or your mother? A No sir.
- Q Ever hear any uncles, aunts or cousins or anybody else who were  
kin to you? A No sir.
- Q Well, you claim through your father do you not? A Yes sir.
- Q Has your father ever been recognized in any way or enrolled as  
a member of the Choctaw tribe of Indians by the Choctaw tribal  
authorities or the United States authorities in Indian Terri-  
tory? Never has been put on the rolls as a Choctaw Indian has  
he? A No sir, I suppose not.
- Q Do you know when your father and mother were married? A No  
sir.
- Q Have you the proof of their marriage with you at this time?  
A Sir?
- Q Have you the evidence or proof of their marriage with you now?  
A certified copy of the license or copy of the license and  
certificate? A No sir.
- Q Do you think you can produce it later if given a little time?  
A Yes sir.

Reasonable time will be allowed for that purpose.

- Q When and where were you married to your wife, Gertie Nichols?  
A Choctaw Nation.
- Q Indian Territory? A Yes sir.
- Q Can you tell when you were married to her? A Married to her  
in '98, October the 30th.
- Q By a minister, under a license? A Yes sir.

Warren Nichols et al.,--5.

- Q Have you the evidence of your marriage with you now? A No sir.  
Q You can introduce that later can you? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce proof of his marriage to his wife, if he desires.

- Q You wanted to make application for your child, Elmer Nichols, do you, as a Mississippi Choctaw? A Yes sir.  
Q He's living with you at your home? A Yes sir.  
Q You and your wife live together? A Yes sir.  
Q Were you ever married before you married each other? A No sir.

You say you don't understand article fourteen . You know that the state of Mississippi is east of the Mississippi river don't you? In the year 1830 the Choctaw tribe of Indians lived in what was known as the old Choctaw Nation; that old nation lay (or the greater part of it) in the state of Mississippi, but a little of it went over on to the western boundary line of the state of Alabama. The white people who lived in the state of Mississippi encroached upon the rights of the Indians, took their land from them, drove their cattle over the land that the Indians occupied so that it crushed down their crop, and drove them off from their land. A great many complaints were made to the government and in order to protect the Choctaw Indians the government said : "If you will go to land that the government owns"--no state owns, but the government--in other words, if you will go on to a reservation owned by the United States, we will protect you there; there wont be white men running your cattle off. They made the treaty of 1830 and the Indians signed it by their representatives and the United States signed it by their representatives, and the object of that treaty was to get an agreement from those Indians to come here and leave that place in Mississippi.

- Q You understand that don't you? A Yes sir.

That's what that treaty was made for. Still, before the treaty could be signed (it was made at a place called Dancing Rabbit Creek), but before it could be signed by anybody, and before the Indians would sign it, it became known that between six and seven thousand Indians would refuse to go to the Choctaw Nation, Indian Territory, under that treaty; wouldn't leave that country; the Indians said to the government you must put something into that treaty to look after those people; they said they would and they drew up article fourteen in the treaty as part of it. They drew up that article and its now called article fourteen of the treaty of 1830; that article was put into that treaty for the especial benefit of those Indians that stayed back, or, in other words, for the Mississippi Choctaw Indians; and it stated this--that those Indians who stayed back in Mississippi in the old Choctaw Nation might do it if they wanted to, but they would have to do certain things. They could stay back in Mississippi and be

Warren Nichols et al.,--6.

protected and get land there and own that land if they lived on it for five years, that is what article fourteen said, provided they did certain things; they had to do certain things; now, what they had to do was this: they had to go each one, individually, to the Indian Agent, Colonel Wm. Ward, within six months after the treaty was ratified (after a treaty is made it has to be ratified by the government), and that would be within six months from the 24th day of February, 1831; they had to go to this Indian Agent and tell him this: that they wanted to stay in Mississippi in the old Choctaw Nation, they wanted to take land there and they wanted to become citizens of the United States and didn't want any more to be considered members of the Choctaw tribe of Indians.

- Q Now you understand that don't you? Do you understand that?  
Don't you? No answer.
- Q Is there anything that you cant understand? Is that hard to understand? A No sir.
- Q That they wanted to take land in Mississippi and wanted to become citizens of the United States just as you are or I suppose as this gentleman or I am; they didn't want to be considered members of the Choctaw tribe of Indians any more; that's what they had to do, then Colonel Ward was supposed to put their names on a list prepared by him, then they could take land in the old Choctaw Nation and if they lived on it for five years they might have a deed to it from the government. Do you understand that? A Yes sir.
- Q If they did this and afterwards wanted to come to the Choctaw Nation, Indian Territory, they could have the rights of the Indians when they come. Now, if you have got Choctaw ancestors--do you know what I mean by Choctaw ancestors? A No sir.
- Q I mean grandfather or grandmother or great-grandmother or great-grandfather. If you have then a Choctaw ancestor---one of your ancestors having Indian blood, who lived in Mississippi in 1830 and went to Colonel Ward and told him they wanted to stay and take land there, then you have got a right to make this application. Now can you give me the name of some ancestor of yours who used to live in Mississippi? I am talking about your grandfather or grandmother or great-grandfather or great-grandmother, somebody that you are descended from. Can you give the name of any of them? Do you know the name of your grandfather?
- A No sir.
- Q Did your father used to live in Mississippi? A I don't know for certain. I think he did.
- Q Did your mother used to live in Mississippi? A I don't know.
- Q Well, you say you think your father used to? A I think my grandpa lived there.
- Q What was your grandpa's name? A I don't know.
- Q Was he your father's father? A Yes sir.
- Q Now don't you know that you know part of that name? You have got to know part of it to know your father's name? A Yes sir.
- Q Your grandfather's name is Nichols, anyway, isn't it?
- A Certainly.
- Q How didn't you ever hear of his given name? A Not as I remember.

- Q Didn't you ever hear your father speak of him? A No sir.
- Q Your father is dead, is he not? A Yes sir.
- Q When did he die? A No answer.
- Q Your grandfather Nichols was a white man was he? A Yes sir.
- Q Do you know what your grandmother's maiden name was? A No sir.
- Q She married Nichols---her name became Nichols? A Yes sir.
- Q Now did you ever hear what her Christian name was? A No sir.
- Q Did you ever hear that your grandfather and his wife, who has the Indian blood and through whom you are making this claim now, lived in Mississippi? A Did I ever hear it?
- Q Did you ever hear that they lived in Mississippi? A Yes sir.
- Q Do you know where they lived in Mississippi? A No sir.
- Q Do you know how old your grandmother Nichols would be if living now? A No sir.
- Q How old would your father be if living now? A I couldn't tell you.
- Q When did he die? A To the best of my knowledge, in '85; I was small.
- Q He died in '85----seventeen years ago? A Yes sir.
- Q How old was he then? an old man? A Middle age I suppose.
- Q Cant tell how old he was? A No sir.
- Q Did he have gray hair? A Just can remember.
- Q Don't know where he was born? A No sir.
- Q Did you ever hear how much Choctaw blood your grandmother Nichols had? A No sir.
- Q Have you any idea or did you ever hear that she was born in Mississippi in 1830, and at the head of a family there then?
- A No sir.
- Q You are pretty sure that you have heard that she used to live in Mississippi? A To the best of my knowledge.
- Q Heard that as a matter of family history and tradition didn't you? A Yes sir.
- Q Have you any proof with you at the present time that your grandmother Nichols lived in Mississippi and was at the head of a family there in 1830? A No answer.
- Q You are making this same claim for your wife, Gertie Nichols, but you make that claim as an intermarried Mississippi Choctaw without reference to whether she lived in Mississippi or not, or any of her ancestors. Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in the old Choctaw Nation in the year 1830, that is, seventy-two years ago? A I don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, within six months after the treaty of 1830 was ratified, go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, and tell him they wanted to stay in Mississippi, take land there and become citizens of the state, did you ever hear? A No 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 the years 1838 and 1840? A Couldn't tell you.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation, under article fourteen of the treaty of 1830? A I don't know.



Warren Nichols et al.,--8.

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, Colonel Ward, who had an Agency in Mississippi, and tell him they wanted to stay in Mississippi, take lands there and become citizens of the states. Now a good many Indians did this, but Colonel Wm. Ward, who was then acting as the United States Indian Agent of the Choctaw Indians in the old Nation in Mississippi and Alabama, neglected or failed to put their names upon any list made by him, and which list has been subsequently called "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 the land and improvements they had upon it; both was taken from them by the government and sold at its public land sales. This caused so many complaints and so much distress among the Choctaw Indians who lived back there in the old Choctaw Nation, that Congress appointed a Commission in 1837; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors lived in that old Choctaw Nation in Mississippi or Alabama and went before either the Commission of 1837 or 1842 and claimed any benefits as Choctaw Indians at that time 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 appeared that he had had land taken from him in Mississippi, which the government had taken from him and sold at its public land sales, 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 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 or kinfolks who have been before this Commission to be identified as Mississippi Choctaws before you? No answer.
- Q Do you speak or understand the Choctaw language? A Why, mighty little.
- Q You don't well enough to converse with the Choctaws do you? A No sir.

Warren Nichols et al.,--9.

By Attorney Lindley:

- Q You say you was born and have always lived in the Choctaw Nation? A Yes sir.
- Q Where did your father live? A He lived in the Nation.
- Q In the Nation also? A Yes sir.
- Q Now state if you are acquainted with the William Nichols who made an application here to-day? A Yes sir.
- Q What relation, if any, is he to you? A My uncle.
- Q Your uncle? A Yes sir.
- Q State if you know Lee Nichols who made application to-day? A Yes sir.
- Q What relation, if any, is he to you? A My brother.
- Q State if you know Mollie Thornton who formerly made an application here? A Mollie Hyde?
- Q Yes? A Yes sir.
- Q What relation is she to you? A Cousin.
- Q Do you know Dillard Nichols? A Yes sir.
- Q William Cross? A Yes sir.
- Q Andrew Nichols? A Yes sir.
- Q Pauline Mason? A Yes sir.
- Q Melvina Cross? A Yes sir.
- Q Are they relatives of yours? A Yes sir.
- Q All Indians from the same ancestor? A Yes sir.

By the Commission to Attorney Lindley:

- Q State why you wish to mention these names? A Well, because the testimony taken in this case has but one originals and in these cases are filed certified copies of the testimony and I wanted to show that they were part of the case---descendants from the same common ancestor---so that the testimony would be applicable to the case.
- Q Are their cases now pending before the Commission? A Yes sir.
- Q As applicants for identification as Mississippi Choctaws? A I don't know.

Statement by attorney Lindley:

All these people have applications filed here and pending as Mississippi Choctaws, except William Nichols and Lee Nichols.

Attorney Lindley offers the application of the claimant to which is attached the application and affidavit of William Nichols and certified copy of affidavit of Jackson Battease; also Gilbert Cooper and F. M. Fuller and a statement from the Commission to the Five Civilized Tribes (copy of letter).

By the Commission to applicant:

- Q Who is James Nichols? No answer.

Warren Nichols et al.,--10.

Reasonable time will be allowed this applicant in which to introduce further documentary evidence in support of his application.

The petition and affidavit of William Nichols presented by Warren Nichols and offered as a part of the evidence in his case are marked Exhibits A, B, C, D, E, and F.

This applicant has the appearance and physical characteristics of being descended from white parentage; his eyes are blue gray; has no knowledge of the Choctaw language and no knowledge of any compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

-----

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 22nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Albert G. McMillan*

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

*Charles Mitchell*

Notary Public.

J. H. H.  
C. V. W.

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

---0---

In the matter of the application of Warren Nichols, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5243.

--: 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 Warren Nichols for himself and his minor child, Elmer Nichols, and for the identification of his wife, Gertie Nichols, as an inter-married Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

(2).

seventh, eighteen hundred and thirty, by reason of being descendants or married to descendants of one Phoebe Nichols (nee Watson) who is alleged to have been a halfblood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

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

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

(3).

the evidence herein is insufficient to determine the identity of Warren Nichols and Elmer Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Warren Nichols for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

Muskegee, Indian Territory,

SEP 5 1902

  
Commissioner.

COPY.

Muskogee, Indian Territory, September 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Warren Nichols, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 5th, 1902.

The Commission has the honor to report that the principal applicant herein, 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)

*Tame Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 enclosure.

COPY.

Muskogee, Indian Territory, September 5, 1902.

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

Gentlemen:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Warren Nichols, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Warren Nichols and Elmer Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."



M,McM & C-2

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Warren Nichols for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James Dinby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, September 5, 1902.

M. H. Lindley,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Warren Nichols, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 18, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Warren Nichols and Elmer Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

M. A. Lindley-2

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Warren Nichols for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James D. Boy*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Warren Nichols,  
Jackson, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Warren Nichols, 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 Warren Nichols and Elmer Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

Warren Nichols-2

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Warren Nichols for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James L. May*

Acting Chairman.

Registered.

-:- COPY -:-

Land.  
55,840-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of the following parties: Warren Nichols for himself and his minor child, Elmer Nichols and for the identification of his wife, Gertie Nichols, as an intermarried Mississippi Choctaw, where-  
in a decision adverse to the applicants was rendered by the Commission September 5, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Phoebe (Watson) Nichols.

The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected these parties because the name of their ancestor through whom they claim did not appear among the

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

W. A. Jones,  
Commissioner.

(D.B.H.)

P.

-- COPY --

D.C. 779  
ITD. 7942-1902.  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

RAF.

January 6, 1903.

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

Gentlemen:

September 5, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Warren Nichols and his minor child, Elmer Nichols, and for identification of his wife, Gerlie Nichols, as an intermarried Mississippi Choctaw.

The applicants endeavor to trace their descent from one Phoebe Nichols (nee Watson), alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Phoebe Nichols or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1857 ( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). You refused the application September 5, 1902.

Forwarding the papers December 19, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has thoroughly reviewed the record and hereby affirms the decision rendered.

Respectfully,

1 inclosure.

Thos. Ryan,  
Acting Secretary.



H.C.T. 5245

Muskogee, Indian Territory, January 16, 1903.

M. M. Lindloy,

Attorney at law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Warren Nichols, et al., of which decision you were advised by registered mail on the 5th day of September, 1902.

Respectfully,

(Signed)

W. D. Phillips.

Commissioner in Charge.

M.C.R. 5243

Muskogee, Indian Territory, January 16, 1903.

Warren Nichols,

Jackson, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Warren Nichols, et al., of which decision you were advised by registered mail on the 5th day of September, 1902.

Respectfully,

(SIGNED)

*T. B. H. H. H.*

Commissioner in Charge.

H.C.R. 5243

Muskogee, Indian Territory, January 16, 1903.

Hansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Warren Nichols, et al., of which decision you were advised by mail on the 5th day of September, 1902.

Respectfully,

SIGNED

*T. W. Johnson*

Commissioner in Charge.

No. 5243

Identification as a Mississippi Choctaw.

Date APR 2, 1902  
 Name Warren ~~Cross~~ Nichols  
 Age 24 Blood Don't know.  
 Post-Office Jackson, Ind. Ter  
 Father: Pleas Nichols, d.  
 Mother: Viney - " - , d  
 Claims through father  
 wife Hattie Nichols, w. 23  
 father F. Hollingsworth, l. (w)  
 Mother Emma " l. (w)  
 Children: (claims for wife by inter-marriage)  
 Elmer Nichols, 3

Claims for wife.  
Child and net

Stenographer A. S. McMillan -

Choctaw MCR 5244

Nancy Leonard

See MCR 4514

MCR 5244

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY, NOVEMBER 20, 1900.

In the matter of the application for enrollment of Nancy Leonard and her minor children as citizens by blood of the Choctaw Nation.

Nancy Leonard, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy Leonard.
- Q How old are you? A Forty six
- Q Where do you live? A At Center Indian Territory.
- Q How long have you been a resident of the Indian Territory?
- A Well, sir, off and on all my life; my parents used to live here.
- Q What do you mean by off and on all your life? How much of a residence have you had in the Indian Territory.
- A I could not tell you? I lived here four or five years before I can recollect; then we left and went to Texas and came back here in '93.
- Q How much Choctaw blood have you? A I could not tell you. My great father was three fourths and my great grandmother was full blood.
- Q What is your father's name? A Linney.
- Q What is his full given name? A George Linney.
- Q Is he living? A No sir.
- Q Was he a Choctaw? A No sir.
- Q What was he, a white man? A Yes sir, I guess so, so far as I know. I never heard him say whether he had any Indian blood or not.
- Q What was your mother's name? A My mother's name was Nancy Linney; her maiden name was Hoggard.
- Q Is she living? A No sir.
- Q Was she a Choctaw Indian? A Yes sir.
- Q What is your purpose in now coming before the Commission?
- A Why to try and get on the rolls, trying to get my part of what belongs to me.
- Q You are the identical Nancy Leonard who appeared before the Commission at South McAlester in September, 1899? A Yes sir.
- Q You were refused enrollment at that time by the Commission?
- A Yes sir.
- Q Are you making application for any one now beside yourself?
- A Myself, children and grandchildren.
- Q Have you any children under twenty one years of age and unmarried?
- A Yes sir.
- Q How many have you? A Four.
- Q What are their names? A The oldest one's name is William.
- Q How old is he? A 17.
- Q What is the name of the next one? A Joseph.
- Q How old is Joseph? A Thirteen
- Q And the next one? A Charles, eleven.
- Q And the next one? A Amney.
- Q How old is Amney, Seven.
- Q These are all your children are they? A Yes sir.
- Q Three boys and a girl? A Yes sir.

Nancy Leonard- 2

- Q Who is the father of these children? A John Leonard.  
Q Is he living? A No sir.  
Q Was he a white man? A Yes sir.  
Q He never made any claim to Indian citizenship? A No sir.  
Q Are you the mother of all four of these children? A Yes sir.  
Q What do you mean by your grandchildren? A My children's children.  
I have children married.

The Commission cannot determine the rights of your grandchildren unless upon personal appearance. They will have to make ~~personal~~ application for themselves. We will hear your application on behalf of yourself and your unmarried children.

- Q Is your name and the names of any of your children on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal rolls of the Choctaw Nation, prepared by the Choctaw tribal authorities examined, and the names of none of the applicants found thereon.

- Q Was an application ever made by you or any one else on your own behalf and on behalf of your minor children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not till last fall.  
Q That is not the Choctaw tribal authorities? A No sir, I reckon not I don't hardly know what you mean.  
Q Did any one in your behalf or on behalf of your four minor children make application to this Commission in 1896 for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?  
A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined and the names of none of the applicants found thereon.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by judgment of the U. S. Court in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of persons admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory examined, and the names of none of the applicants found thereon.

- Q You appeared before this Commission at South McAlester in September 1899 and made application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.  
Q You didn't make application for any one beside yourself at that time? No sir; for my children and grandchildren; they would not hear me.  
Q The Commission refused to enroll you at that time because your name and the names of your children and grandchildren were not on any of the rolls of the Choctaw Nation. Is that the only application ever made by you or your grandchildren either to the tribal authorities of the Choctaw Nation or of the United States?  
A Yes sir.

There is annexed to and made a part of this application the testimony of Nancy Leonard at South McAlester, and the petition and affidavits which were filed with the Commission September 11th, 1900 in support of that application.

Nancy Leonard-3

You will be furnished in the near future with a copy of the decision of the Commission stating fully its reasons for any action that may be taken as to your application and the application you make on behalf of your minor children for citizenship in the Choctaw Nation.

Anna Bell, being first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of said proceedings on said date.

*Anna Bell*

Subscribed and sworn to before me this 20th day of November, 1900.

Acting Chairman.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5144  
5243

In the matter of the application for identification as Mississippi Choctaws of Nancy Leonard for herself and her four minor children, William, Joseph, Charles and Ammie Leonard.

Applicants not represented by attorney.

Nancy Leonard being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy Leonard.  
Q What is your age? A Forty-eight.  
Q What is your post office address? A Jeffs, I.T.  
Q How long did you live at Jeffs? A Since February.  
Q Where did you live before that? A At center.  
Q Center? A Yes, sir.  
Q Where is that in the Territory? A Yes, in the Chickasaw Nation  
Q Where were you born? A I was born in Texas I think.  
Q How long did you live in Texas? A I was born in fifty-four and came to the Territory and stayed up to Sixty-four.  
Q And then you went where? A Went back to Texas and stayed until ninety-three.  
Q Then where did you go? A Back to the Territory? A  
Q And lived in what place? A I skipped from one place to another.  
Q But have lived in the Territory? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Dead is he? A Yes, he is dead.  
Q Is your mother Nancy dead? A Yes, sir.  
Q What was your father's name? A George Linney.  
Q What is your mother's name? A Nancy.  
Q Through which parent do you claim Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A Seven-thirty-seconds, is what you counted it up.  
Q You claim how much through your great grandfather? A Three-fourths through my great grandfather.  
Q And your great grandmother how much? A Full blood, --full Indian.  
Q And did their child who was your ancestor have that blood? A Yes, sir.  
Q Was it a man? A My mother was the one that had the blood.  
Q You claim through your mother? A Yes, sir.  
Q Was it her father or mother who had the Choctaw blood? A Her mother.  
Q You claim through your mother? A Yes, sir.  
Q She claims through whom? A Her mother.  
Q She claims through whom her father and mother? A Yes, sir.  
Q Your great grandfather had three-quarters? A Yes, sir.  
Q Great grandmother was a full blood? A Yes, sir.

#2

- Q That would make you seven-thirty-seconds, is that what you claim? 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 She was recognized but never enrolled.
- Q They just simply said she was an Indian? A Yes, sir.
- Q She was not recognized by the Choctaw tribal authorities? A No, sir.
- Q Are you married? A I was married, my husband is dead.
- Q Have you children by your husband who is now dead? A Yes, sir.
- Q Was he a Choctaw or white man? A White man.
- Q What was his name? A John Leonard.
- Q Give me the name of the oldest child under twenty-one years of age and unmarried? A Eighteen.
- Q What is the name? A William.
- Q William what? A Leonard
- Q Next? A Joseph
- Q How old? A Sixteen.
- Q Next? A Charles Leonard.
- Q How old? A Twelve.
- Q What is the name of the next? A Ammie, A-m-m-i-e.
- Q Boy? A No, sir; girl.
- Q How old? A Nine.
- Q You claim for yourself and the children, do you? A Yes, sir.
- Q Was John Leonard, your husband, now dead, the father of these children? A Yes, sir.
- Q You are the mother? A Yes, sir.
- Q They live with you at your home? A Yes, sir.
- Q Were either you or your husband married before you married each other? A My husband was but I never was.
- Q You have no children to claim for by his first wife? A No, sir.
- Q Well she was a white woman anyhow? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Yes, sir.
- Q For yourself and children? A Yes, sir.
- Q I mean now to the tribal authorities? A To the Commissioner.
- Q No, Choctaw tribal authorities? A No, sir.
- Q You did not make application to the Commission six years ago under the law of June 10, 1896? A No, sir.
- Q When did you make application to the Commission for yourself and children? A The first place I went to Mc Alester in ninety-nine, I went before the Commission and they took my name down but would not take my children's names.
- Q At McAlester? A Yes, sir; South McAlester.
- Q Before whom did you go there? A I don't know.
- Q Who was presiding, Mr. McKennon? A It was the Commission that is all I know. The would not take my children's names.
- Q Commissioner McKennon heard your application at that time; he did not ask anything about your children? A No, I told him I had children to represent but he would not take their names.
- Q You remember that date? A It was 1899 I believe.
- Q September thirteen? A Yes, sir.
- Q Your application was refused by him at that time was it? A Yes, he refused to enroll us; he refused that much.
- Q But you did not ask for your children to be enrolled at that time? A I declare I don't know, I wanted to represent them.
- Q But as a matter of fact you did not present their names there? A No, sir.

The records in the possession of the Commission show that this applicant, on September 13, 1899, appeared before the Commission, at McAlester, Indian Territory, and there made application for enrollment as a citizen by blood of herself. She did not at that time give the names of her children, and that her enrollment was, at that time, refused. The records in the possession of the Commission further show, that at Muskogee, Indian Territory, November 20, 1900, this applicant Nancy Leonard made application for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation.

- Q What was done with that application that you made later on at Muskogee, November 20, 1900? A Well they refused to enroll me, I don't know what was done with it.
- Q They refused you did they not? A Yes, they did not enroll me.
- Q Well naturally if they refused you they would not enroll you? A Well they said they could not.
- Q You know you were refused at that time? A Yes, sir.
- Q Who told you that you would not be enrolled; how did you receive that information? A I don't know that I have ever received that information that I could not be enrolled; they wrote several letters to me but I don't remember what they read; they wrote in one letter that they would send it to the Secretary when the proper time came. It was signed by Mr. Bixby.
- Q What you mean to say now is this; that that application was not acted upon, or at least, you never received any notice that it was? A Yes, sir.
- Q And that you now want to make application to be identified as a Mississippi Choctaw and your children as Mississippi Choctaws and that you want the application that you made at that time made a part of the record now made by you to-day? A Yes, I suppose so.
- Q This letter that was sent to you, dated March 23, 1902, advised you to come before the Commission within thirty days? A Yes, sir.
- Q And if you did not come before the Commission within thirty days according to the advice of this letter at the expiration of that time the Commission will assume that you want to prosecute the right of yourself and your children for enrollment as citizens of Choctaw Nation, made by your application prior to this date. You want to have this record now made by you made a part of this, your present application? A Yes, if it is necessary.
- Q Well in any event you want to withdraw this application that you made at that time and make another now? A Yes, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I have heard it read and explained so much that I guess I understand it.
- Q Would you like to have me explain it again? A Yes, 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 and was made on the 27th of September of that year, 1830, that treaty was made for the purpose of the removal of the Choctaw Indians who lived in the old Choctaw Nation, out there 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 put into the treaty of 1830; that article reads as follows:

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

- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A My great grandfather I have been taught did.
- Q What did he do? A He left Mississippi and came here and took land instead of keeping it there.
- Q When did he leave Mississippi? A I don't know what year.
- Q What was your great grandfather's name? A Jim Fletcher.
- Q He had how much blood? A Three-quarters.
- Q What was his wife's name? A Nancy Fletcher.
- Q How much blood did she have? A Full blood.
- Q Great grandfather and great grandmother? A Yes, sir.
- Q Did Nancy come with him from Mississippi? A Yes, I have been taught she came from Mississippi with him.
- Q Where did he locate in Indian Territory? A I have been told that they located on the Blue.
- Q Blue River? A Yes, sir.
- Q Were they removed from the old Choctaw Nation in Mississippi to the Choctaw Nation, Indian Territory, at the expense of the government? A I don't know.
- Q How old would Jim Fletcher be if living now? A I don't know.
- Q How old would his wife be if living now? A I don't know.
- Q You know anything about their descendants? A No, nothing about it.
- Q Well they had a daughter? A Yes, sir.
- Q What was her name? A Sallie.
- Q Sallie had a daughter who was your mother? A Yes, sir.
- Q What was her name? A Nancy.
- Q Did your grandmother Sallie or your mother Nancy live in Mississippi? A I have been told that my grandmother Sallie came from Mississippi when she was a girl.
- Q Did your great grandmother and great grandfather leave her back in Mississippi? A No, sir; she came with them.
- Q She came with them? A Yes, sir.
- Q Did your great grandfather Jim and his wife Nancy live in Mississippi in 1830, seventy-two years ago? A I don't know I have been told that they did. They were here in 1834 and 1835 so I have been told.

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- Q How old was Sallie when she came with her parents from Mississippi? A I don't know.
- Q Did you know her? A No, sir; if I ever did I have forgotten it.
- Q Was she very young at that time? A No, sir.
- Q A middle aged girl? A No, sir; it was said she was a girl.
- Q Was Sallie born in Mississippi? A Yes, sir.
- Q Did she have any older brothers or sisters? A I don't know sir.
- Q How old would Sallie be if living now? A I don't know.
- Q How old would your mother Nancy be if living now? A I guess she would be about sixty-eight.
- Q About sixty-eight? A I think so.
- Q Well if she would have been four years older then she would have been born in Mississippi in 1830? A I don't know.
- Q It looks as if Sallie was grown in 1830 if your mother was born in 1834 or five when she came to this Country? A I have been taught that she was a girl, they called them girls until they were married.
- Q But you really don't know? 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 that.
- 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 they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, any other of your ancestors except your great grandfather Jim and his wife Nancy between the years 1833 and 1838? A I don't know that.
- 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 can't tell you that I don't know.

As has been explained to you, the treaty of 1830 was made to remove all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. A good many Indians would not come and for the benefit of those who would not come but who preferred to remain back in that old Choctaw Nation in Mississippi and Alabama article fourteen was put into the treaty of 1830.

- Q Now if your great grandfather Jim Fletcher and his wife Nancy did go to the Choctaw Nation, Indian Territory, under the treaty of 1830 then they did not stay back there in Mississippi and then of course did not comply nor attempt to comply or desire to comply with article fourteen of that treaty? A I don't know.
- Q Article fourteen was not made for your great grandfather and his wife because they went to the Indian Territory with the other Indians, if, what you say, is true? A That is what I have been told.
- Q It may be that they afterwards went to the Indian Territory but they should have first gone to Colonel Ward and told him that they wanted to take advantage of article fourteen, but, you don't know whether they did that? A No, sir; I do not.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830 claiming that they had tried to go before Colonel Ward within six months from the ratification of the treaty of 1830 and register with him under article fourteen but that he had refused to put their names upon his Registry list? A I never heard.

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- Q Did any of your Choctaw ancestors receive any scrip to land or certificates which enabled them to select lands either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land to take the place of land which they had occupied in the old Choctaw Nation and which the government had taken from them? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842? A I don't know.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No, sir; not as Mississippi Choctaws.
- Q Have you any other evidence that you want to introduce at this time? A Yes, I have children.
- Q No; I mean evidence? A I have evidence that I sent on here once.
- Q Well that is in your other application? A Yes, I suppose it is, I sent it here a little while ago, they requested me to get two but I could only get one.
- Q Have you any witnesses you want to introduce before the Commission? A No, sir.
- Q Will fifteen days time be sufficient for you to introduce what other proof you have? A Well it is according to what the weather is, I am a widow woman.

Thirty days time is allowed this applicant in which to introduce other proper evidence in support of her 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 hair; brown eyes; medium fair complexion; 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 18, 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.

*Wm. H. Wood*

Notary Public.

COPI.

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Coll.*

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

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In the matter of the application of George W. Fletcher,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of:

|                             |              |
|-----------------------------|--------------|
| George W. Fletcher, et al., | M.C.R. 4514  |
| Thomas J. Fletcher, et al., | M.C.R. 4516  |
| Mary E. McFee, et al.,      | M.C.R. 4515  |
| Florence McFee, et al.,     | M.C.R. 5019  |
| Arrie Rogers, et al.,       | M.C.R. 5007  |
| Hancy Fletcher              | M.C.R. 4517  |
| Susan Fletcher              | M.C.R. 4518  |
| Nancy Leonard, et al.,      | M.C.R. 5244  |
| Annie Skellenger, et al.,   | M.C.R. 5517  |
| Margaret Partain, et al.,   | M.C.R. 5518  |
| Frank Leonard               | M.C.R. 5508  |
| Othelia Taylor, et al.,     | M.C.R. 5519  |
| Johnnie Hatton, et al.,     | M.C.R. 5521  |
| Leora Blackman, et al.,     | M.C.R. 5522  |
| Eddie Harris, et al.,       | M.C.R. 5523  |
| John Perry Linney, et al.,  | M.C.R. 5504  |
| Louisa Lane, et al.,        | M.C.R. 5245. |

--: 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 George W. Fletcher for himself and his two minor children Leonie

and Clara Fletcher; by Thomas J. Fletcher for himself and his five minor children, Susan, Maggie, Amanda, Jasper T. and Clara Fletcher; by Mary E. McKee for herself and her five minor children, Willie M., James A., Clara I., George W. and Barbara McKee; by Florence McKee for herself and her six minor children, Ella, George, Laura, Eddie, Oliver and Mandy McKee; by Arrie Rogers for herself and her three minor children, Gertie, Authur H. and Carrie Rogers; by Nancy Fletcher for herself; by Susan Fletcher for herself; by Nancy Leonard for herself and her four minor children, William, Joseph, Charles and Armie Leonard; by Annie Skellenger for herself and her two minor children, George and Emery Skellenger; by Margaret Partain for herself and her three minor children, Myrtle, Jimmie and Alonzo Partain; by Frank Leonard for himself; by Othelia Taylor for herself and her minor child, Malethia Taylor; by George F. Hatton for his five minor children, Johnnie, Pearl, William, Coke and George Edward Hatton; by Leora Blackman for herself and her five minor children, Johnnie, Jimmie, Altha, Mabry and Albert Blackman; by Eddie Harris for herself and her minor child, Dora Harris; by John Perry Linney for himself and his two minor children, Stella and Myrtle May Linney, and by Louisa Lane for herself and her five children, Joseph, Jesse, Lennon, John and Myrtle Lane, 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 Captain James Fletcher (or Captain Jim Fletcher or Jim Fletcher), who is alleged to have been a three fourths blood Choctaw Indian, and Nancy Fletcher, who is alleged to have been a full blood Choctaw Indian, both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

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

It is found that the name of one James Fletcher appears upon page 88 of Volume VII, American State Papers, Public Lands, in a list of the captains entitled to the additional half section under the nineteenth article of the treaty, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the

date of the making of the treaty of "Dancing Rabbit Creek", and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. It is also found that the name of one Capt. Fletcher appears upon page 97 of the same record in a list of names of Indians owning farms, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. It is also found that the name of one Capt. Fletcher appears upon page 136 of said record in a list of claims allowed under the treaty in Greenwood Leflore's District. The record above referred to in no way relates to or shows any compliance or attempted compliance, on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek".

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

claimants thereunder, that the said Captain James Fletcher (or Captain Jim Fletcher or Jim Fletcher), or Nancy Fletcher, 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 George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur V. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Ammie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Malethia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled 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)

*Tame Bixby.*

Acting Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

FEB 11 1903

Commission to the Five Civilized Tribes,  
South McAlester, Ind. Ter.

In the application of Nancy Leonard for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Nancy Leonard.  
Q How old are you? A Forty-four.  
Q Are you on the Choctaw rolls? A No sir.  
Q Have you ever been? A No sir.  
Q Have your father and mother ever been on the Choctaw rolls in the Territory here? A No sir.  
Q Where are you living? A Center, Chickasaw Nation.  
Q How long have you been in the Territory? A Since 1893.  
Q Come from Texas? A Yes sir.  
Q Were you born and raised there? A I was raised partly there, and partly here.  
Q Your children and grandchildren you speak of are not on the rolls? A No sir.

Com'r McKennon: Enrollment of all is refused.

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Department of the Interior,

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

*M. D. McKennon*

Muskogee, Indian Territory, May 7, 1900.

Nancy Emily Leonard,

Center, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of May 1st, in which you state that you appeared before the Commission at McAlester on September 13th, 1899, as an applicant for enrollment as a Choctaw and that you have never been able to learn what action the Commission took in your case, and request that you be informed as to your present status. You are informed that the records of the Commission show that Nancy Leonard appeared before it as an applicant for enrollment at South McAlester, and in her testimony, given at that time, she states that she was forty four years of age, but that neither her father nor mother, her children nor grandchildren are upon any of the rolls of the Choctaw Nation, and that she had lived in the Territory since 1893, having come to the Chickasaw Nation from the state of Texas. The judgment of the Commission at that time was that the enrollment of all the parties applying with Nancy Leonard was refused. If you are the party who gave this testimony before the Commission, you are not entitled to enrollment by this Commission, nor entitled to select a prospective allotment of land in either the Choctaw or Chickasaw Nation.

The action of the Commission in your case is subject to

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review by the Secretary of the Interior, and the testimony given by you at the time you appeared before the Commission as an applicant for enrollment will be forwarded when the final rolls of the Choctaw Nation are sent to him for his approval.

Yours truly,

Acting Chairman.

R 167

Muskogee, Indian Territory, July 17, 1900.

Nancy Leonard,

Center, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of July 11th, in which you inquire regarding your rights as a Choctaw Indian. You also ask if your attorneys have filed your proofs of Indian blood with this Commission.

In reply to your letter, you are advised that the records of the Commission show that Nancy Leonard appeared before the Commission at South McAlester in 1899, and applied for enrollment as a citizen of the Choctaw Nation, and from her testimony taken at that time, it appears that your name was never on any of the Choctaw rolls, and you were never admitted to citizenship by this Commission, by the legally constituted authorities of the tribe, or by judgment of the United States Court in the Indian Territory, on appeal, and your enrollment was refused.

There are no papers or affidavits of any kind on file with the testimony taken in this matter, but the testimony will be sent to the Honorable Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

4 P. 167



Muskogee, Indian Territory, September 12, 1900.

Nancy Leonard,

Center, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 6th instant, enclosing your application and petition for enrollment as a citizen by blood of the Choctaw Nation and also the depositions of Rachel Colbert and Richard Colbert, which you desire filed as a part of the record in your case.

You state in your letter that you have written to the Secretary of the Interior and that he has directed that all the evidence in support of your claim be forwarded to this Commission to be filed for submission to the Secretary of the Interior when the rolls are sent to him for final approval. You now desire to know if there is anything further you can do to get your names on the Choctaw roll.

You are informed that the records of this Commission show that on September 13th, 1899, you appeared before the Commission at McAlester, Indian Territory, and there made application for enrollment as a citizen by blood of the Choctaw Nation. In your oral testimony given at that time before the Commission there is no record of any application having been made for any one besides yourself and the Commission at that time refused your enrollment.

There is not sufficient oral testimony given by you at that appearance to make a complete record of your case for forwarding to the secretary of the Interior for his consideration when the

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Final rolls of citizens of the Choctaw Nation are sent to him for approval and if you desire to have your case submitted to him in proper form, it will be necessary for you to again appear before the Commission for the purpose of an examination. You can make such personal appearance at any time prior to December, 1st, at the office of the Commission in Muskogee and a full hearing will be given you.

The papers submitted by you have been filed and made a part of the record in your case.

Yours truly,

Acting Chairman.

In reply please  
refer to 7-B-167

Muskogee, Indian Territory, January 16, 1901

Frank Leonard,

Krebs, Indian Territory.

Dear Sir:

The Commission is in receipt of letter of the 13th instant signed by Nancy Leonard, Annie Skellenger and yourself, requesting that the papers in the matter of your applications for enrollment as citizens of the Choctaw Nation be forwarded to the Secretary of the Interior for his consideration.

You are informed that it will be necessary for you and Annie Skellenger to send in separate requests to have the records in your cases forwarded to the Secretary of the Interior and as soon as such requests are received by the Commission, they will receive proper attention.

The records of the Commission show that no decision has as yet been rendered in the matter of the application for enrollment as citizens of the Choctaw Nation of Nancy Leonard and her minor children, and until such decision is rendered the Commission cannot receive or consider a request to have the papers in the case forwarded to the Secretary of the Interior. The Commission contemplates rendering such decision in the near future and a copy of the same, stating fully therein the reason for any action that may be taken by the Commission will be forwarded to Nancy Leonard.

Yours truly,

7-R-167  
7-M-57-59

Acting Chairman.

Muskegee, Indian Territory, February 27, 1901.

Nancy Leonard,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of papers evidently forwarded by you consisting of the affidavit of John Lane as to his personal knowledge of and acquaintance with Mrs. Nancy Leonard and her family and to the reliability of the affidavit she makes in regard to her children, her brothers and sisters and their children.

Also the affidavits of Nancy Leonard certifying that she is the mother of the wife of Zura Skellenger; another affidavit as to Nancy Leonard being the mother of Margaret Partain, the wife of Henry Partain. Affidavit as to Nancy Leonard being the mother of Frank Leonard and an affidavit as to Mrs. Leora Blackman being the sister of Nancy Leonard, and an affidavit as to Othelie Taylor being the daughter of Nancy Leonard.

The papers forwarded by you are returned to you herewith for the reason that the Commission is unable to understand the purpose of their being offered to the Commission and for the further reason that in four of these cases in which these papers have evidently been offered for filing, judgments have been rendered by the Commission and no further consideration can be given the applications of these persons for enrollment as citizens of the Choctaw Nation.

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The records of the Commission show as to your application for enrollment the following facts. That at South McAlester, Indian Territory in September, 1899, Nancy Leonard, 44 years of age, appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. She also at that time made application for her children and grand children but does not give their names. At that time the Commission refused the enrollment of Nancy Leonard and all the persons for whom she made such application for the reason that their names did not appear upon any of the tribal rolls of the Choctaw Nation nor did it appear that Nancy Leonard had been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the legally constituted authorities of the United States.

It further appears that at Muskogee, Indian Territory, on November 20th, 1900, Nancy Leonard again appeared before the Commission and renewed the application for the enrollment of herself and children as citizens of the Choctaw Nation.

It does not appear from the testimony of Nancy Leonard upon the occasion of her second appearance that any additional facts were adduced that would in any way entitle her to enrollment as a citizen of the Choctaw Nation. Upon the second appearance she made application for the enrollment of herself and her children, William, Joseph, Charles and Annie Leonard. The Commission notified you at the time of this second appearance that you would be furnished with a written copy of the decision of the Commission stating fully therein the reason for any action of the Commission relative to your application for enrollment. This decision will be forwarded you some time in the near future.

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As to Mrs. Leora Blackman the records of the Commission show that at Muskogee, Indian Territory, on November 20th, 1900, Leora Blackman, 31 years of age, appeared before the Commission and made application for the enrollment of herself and her minor children, Ettie, Johnnie, Jimmie, Alpha and Mabry Blackman as citizens of the Choctaw Nation. After a consideration of the resimony offered in support of this application the Commission on December 28th, 1900, rendered a decision refusing the application of Mrs. Blackman and her children as citizens of the Choctaw Nation. A copy of such decision was sent to Mrs. Blackman at Franks, Indian Territory on December 28th, 1900.

As to your eldest daughter who married a man by the name of Zura Skellenger, you are informed that the records of the Commission show that on November 21st, 1900, at Muskogee, Indian Territory, Annie Skellenger, 29 years of age, appeared before the Commission and made application for the enrollment of herself and her two minor children, George and Mary Skellenger as citizens by blood of the Choctaw Nation. After consideration of this application, the Commission on December 28th, 1900 rendered a decision refusing the application of Annie Skellenger and her children for enrollment as citizens of the Choctaw Nation, a copy of which was sent to her at Krebs, Indian Territory on that date.

As to your second oldest child, whose maiden name was Margaret Leonard and who is now married to Henry Partain, the records of the Commission show that at Muskogee, Indian Territory, on November 20th, 1900, Margaret Partain, 27 years of age, appeared before the Commission and made application for the enrollment of herself and her minor children, Myrtle, James E. and Alonzo Partain

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as citizens of the Choctaw Nation. After a consideration of the testimony in this case the Commission on December 28th, 1900, rendered a decision refusing the application of Margaret Partain and her children for enrollment as citizens of the Choctaw Nation. A copy of such decision was mailed to Mrs. Partain at Center, Indian Territory on that date.

As to your third child, Frank Leonard, the records of the Commission show that at Muskogee, Indian Territory, on November 21st, 1900, Frank Leonard, 23 years of age, appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw nation. After a consideration of the testimony in this case the Commission, on December 28th, 1900 refused said application, a copy of which was mailed to Mr. Leonard at Center, Indian Territory, on that date.

As to your fourth child, Othela Leonard, the records of the Commission show that at Muskogee, Indian Territory, on November 21st, 1900, Othelia Taylor, 20 years of age, appeared before the Commission and made application for the enrollment of herself and her two minor children, Malethie and Amos Taylor as citizens by blood of the Choctaw Nation. After a consideration of the testimony in this case the Commission, on December 28th, 1900 rendered a decision refusing the application for enrollment of these parties as citizens of the Choctaw nation. A copy of this decision was mailed to Mrs. Taylor on that date at Byrne, Indian Territory.

The records including all the original testimony and all papers filed in the matter of the applications for enrollment as citizens of the Choctaw Nation of Leora Blackman and her children, Annie Skellenger and her children, Margaret Partain and her children,

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Othello Taylor and her children and of Frank Leonard, were on February 15th, 1901, forwarded to the secretary of the Interior for his approval of the action of the Commission in refusing these applications.

The decision of the Commission in the matter of the application for enrollment of Nancy Leonard and her children as citizens of the Choctaw Nation has not up to this time been forwarded to the Secretary of the Interior and if you desire that such record be submitted for his consideration, you will so notify the Commission in writing.

The affidavits forwarded by you are returned to you herewith for the reason that the records of the Commission in the matter of these applications have been closed and all such original records forwarded to the secretary of the Interior.

Yours truly,

Acting Chairman.

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7-R-167



Muskogee, Indian Territory, March 7, 1901.

Nancy Leonard,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant in which you desire to be informed if any decision has yet been reached in the matter of your application for the enrollment of yourself and children as citizens of the Choctaw Nation.

The Commission has written you on a number of occasions informing you that when a decision is reached relative to this application that a copy of the same would be mailed to you at your present post-office address.

Yours truly,

Acting Chairman.

7-R-157

Muskogee, Indian Territory, June 3, 1901.

Nancy Leonard,

Bennett, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date in which you inform the Commission that you have changed your post-office address from Krebs to Bennett, Indian Territory, and the same has been made a matter of record.

You also desire to be informed if any ~~action~~ has been taken by the Commission in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Replying to this inquiry the Commission has to inform you that it appears from our records that at South McAlester, Indian Territory, in September, 1899, you made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation and that the Commission at that time refused to enroll you as such citizen for the reason that your name did not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

Upon your request for a further hearing in the matter of such application, the Commission on November 20, 1900, at Muskogee, Indian Territory heard the ~~same~~ application for the enrollment of yourself and your four minor children, William, Joseph, Charles and Annie as citizens by blood of the Choctaw Nation. Upon this

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never have been enrolled by the tribal authorities of the Choctaw Nation; that their names are not found upon any of the tribal rolls in the possession of the Commission; that they have never been admitted to citizenship in the Choctaw Nation by this Commission, or by a legally constituted court or committee of the Choctaw Nation, or by the United States Court on appeal in accordance with the provisions of the Act of Congress approved June 10, 1896.

Relative to the consideration by the Commission of applications of this character, your attention is invited to the following provision of the Act of Congress of May 31, 1890:

"The said court 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 who was lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

When the Commission renders a decision relative to the rights to enrollment of Nancy Leonard and her four children, she will be so notified.

Yours truly,

Acting Chairman.

7-R-167

Muskogee, Indian Territory, July 8, 1901.

Nancy Leonard,  
Bennett, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th ultimo, relative to the rights to enrollment of yourself and children as citizens of the Choctaw Nation, and in which you request that the records in this case, including the affidavits of Richard and Pachel Colbert, be forwarded to the Secretary of the Interior for his consideration.

Your request has been filed with the other papers in this case, and the record so made will, in due time, be forwarded to the Secretary of the Interior for his consideration.

You also enclosed in your letter a paper evidently an unsigned and unacknowledged affidavit which you requested to be returned, and the same is enclosed you herewith.

Yours truly,

7-R/67

Commissioner in Charge.

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Muskogee, Indian Territory, November 4, 1901.

R. Colbert,

Lehigh, Indian Territory.

Dear Sir:

Referring to your letter of August 19, 1901, addressed to the Secretary of the Interior, Washington, D. C. and by him referred to this Commission for consideration and appropriate action. Therein you desire to be informed relative to the rights to enrollment as a citizen of the Choctaw Nation of Nancy Leonard.

Replying to your inquiry you are informed that it appears from the records of the Commission that at South McAlester, Indian Territory, in September, 1899, Nancy Leonard made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation. She was at that time informed by the Commission that her application for enrollment was refused.

Again, at Muskogee, Indian Territory, on November 20, 1900, Nancy Leonard personally renewed her application for enrollment as a citizen of the Choctaw Nation and included in such application her children, William, Joseph, Charles and Annie Leonard.

It appears from an examination of the records in the possession of the Commission that these persons are not new and

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examination you did not offer any additional evidence in support of your rights or the rights of your children to enrollment as citizens of the Choctaw Nation and it does not appear from such testimony that either you or your children had ever been enrolled by the tribal authorities of the Choctaw Nation as citizens thereof nor had you ever been admitted to such citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, nor by the United States Courts in Indian Territory on appeal.

The Commission is therefore of the opinion that it cannot further consider your application for the enrollment of yourself and children as citizens of the Choctaw Nation and that its refusal to enroll you and your children as such citizens would become final upon approval of the Secretary of the Interior.

The record that has been made in the matter of this application will be forwarded to the Secretary of the Interior for his approval of the Commission's action when the final rolls of the citizens of the Choctaw Nation are submitted to him for consideration and approval.

Yours truly,

7-R-167

Acting Chairman.

Muskogee, Indian Territory, November 4, 1901.

Nancy Leonard,

Center, Indian Territory.

Dear Madam:

The Commission has this day filed with the record in the matter of your application for enrollment as a citizen of the Choctaw Nation, the affidavits of John Lane and R. C. Colbert, previously submitted by you for the consideration of the Commission in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Yours truly,

7 R 167

Acting Chairman.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of  
Nancy Leonard for the enrollment of  
herself and her minor children,  
William Leonard, Joseph Leonard,  
Charles Leonard and Ammey Leonard  
as citizens by blood of the Choctaw  
Nation.

To Nancy Leonard,

Center, Indian Territory,

You are hereby notified that you will  
be allowed thirty days from the date hereof, to submit to this Com-  
mission an affidavit, corroborated by two witnesses, showing that  
you and your children 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-seven, eighteen hundred and  
thirty, and to that end may administer oaths,  
examine witnesses and perform all other acts  
necessary thereto, and make report to the  
Secretary of the Interior."



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Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your children are descendants of Choctaw Indians who resided in the 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.

Choctaw R 167

Muskogee, Indian Territory, March 22, 1902.

Nancy Leonard,

Jeffs, Indian Territory.

Dear Madam,

Receipt is hereby acknowledged of your letter of the 14th instant, acknowledging receipt of our letter of February 17, 1902, advising 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 and four minor children are entitled to be identified as Mississippi Choctaws under the provisions of the twenty-first section of the act of Congress of June 28, 1898, and requesting that you be allowed more time in which to get witnesses.

The time specified in our letter of February 17, 1902 for the submission of such affidavits having expired, you are advised that you will be allowed thirty days from the date hereof, within which to personally appear before this Commission at its office at Muskogee, Indian Territory, as an applicant for the identification of yourself and your four minor children as Mississippi Choctaws and introduce such evidence as you may have showing what rights if any you and your said children have as the descendants of a Choctaw

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Indian who resided in the state of Mississippi in 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.

If at the expiration of the said thirty days no such personal application is made by you, it will be the presumption of the Commission that it is not your intention to prosecute such rights as you and your children might have as Mississippi Choctaws and the Commission will then pass upon the right of yourself and your children to enrollment as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

Choctaw R 167

Muskogee, Indian Territory, March 29, 1902.

Mrs. Nancy Leonard,

Jeffa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, enclosing the affidavits of Nancy Leonard and Efrom Dunford which affidavits have been duly filed with the records of the Commission.

On the 22nd instant, the Commission advised you that you would be allowed thirty days from that date within which to personally appear before the Commission at its office in Muskogee, Indian Territory, as an applicant for the identification of yourself and your minor children as Mississippi Choctaws and introduce such evidence as you may have showing what rights if any, you and your children have as the descendants of a Choctaw Indian who resided in Mississippi in 1830 and 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.

If, at the expiration of the time specified in our letter of the 22nd instant, no personal application for the identification of yourself and children as Mississippi Choctaws, is made by you,

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the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw, and that the case is completed and it will proceed to render its decision as to the rights of yourself and your children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be duly made known to you when rendered.

Yours truly,

Acting Chairman.

Register .

Miss. Choctaw 5244

Muskogee, Indian Territory, May 28, 1902.

Nancy Leonard,

Jeffs, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Delia Colbert, which is offered 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 your case.

Yours truly,

Commissioner in Charge.

M.C.R. 5244.

Muskogee, Indian Territory, September 25, 1902.

Postmaster,  
Jeffs, Indian Territory.

Dear Sir:-

On March 29th, 1902, there was forwarded from this office, by registered mail, register No. 5510, a letter addressed to Nancy Leonard, Jeffs, Indian Territory, for which no delivery receipt has yet been received. If this letter has been delivered, please advise date of such delivery; if on hand unclaimed, please return same to this office.

Respectfully,

Acting Chairman.

M.C.R. 5244

COPY:

Muskogee, Indian Territory, August 8, 1903.

Nancy Leonard,

Jeffs, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th 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 George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.



Muskogee, Indian Territory, February 11, 1903.

Nancy Leonard,

Jeffs, Indian territory.

Dear Madam:

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 George W. Fletcher, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                             |             |
|-----------------------------|-------------|
| George W. Fletcher, et al., | M.C.R. 4514 |
| Thomas J. Fletcher, et al., | M.C.R. 4516 |
| Mary E. McKee, et al.,      | M.C.R. 4515 |
| Florence McKee, et al.,     | M.C.R. 5010 |
| Arrie Rogers, et al.,       | M.C.R. 5001 |
| Nancy Fletcher,             | M.C.R. 4517 |
| Susan Fletcher,             | M.C.R. 4518 |
| Nancy Leonard, et al.,      | M.C.R. 5244 |
| Annie Skellenger, et al.,   | M.C.R. 5517 |
| Margaret Partain, et al.,   | M.C.R. 5518 |
| Frank Leonard,              | M.C.R. 5608 |
| Othelia Taylor, et al.,     | M.C.R. 5519 |
| Johnnie Hatton, et al.,     | M.C.R. 5521 |
| Leora Blackman, et al.,     | M.C.R. 5522 |
| Eddie Harris, et al.,       | M.C.R. 5523 |
| John Perry Linney, et al.,  | M.C.R. 5504 |
| Louisa Lane, et al.,        | M.C.R. 5245 |

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

Nancy Leonard, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Maudy McKee, Arrie Rogers, Bertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Ammie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Melothia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled 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.

M C R 5244

Muskogee, Indian Territory, March 10, 1903.

Nancy Leonard,  
Jeffs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you state that you did not receive the letter of the Commission notifying you of the refusal of the application made by you for the identification of yourself and minor children as Mississippi Choctaws in time to permit you to file argument. You ask that the time be extended.

In reply you are informed that your case is included in the consolidated Mississippi Choctaw case of George W. Fletcher and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The fifteen days from February 11, 1903, heretofore granted the applicants in this case within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, expired on February 26, 1903. On February 27, 1903, the record in this consolidated case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. The several applicants in this consolidated case will be duly notified of such action as may be taken by him.

N L 2

You are further advised that the fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments in support of their claims to be transmitted to the Secretary of the Interior, are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

M C R 5244

Muskogee, Indian Territory, June 8, 1905.

Nancy Leonard,

Owl, Indian Territory.

Dear Madam:

In compliance with your request of the 23rd ultimo, there are herewith enclosed copies of the testimony given by you at Muskogee, Indian Territory, on November 20, 1900, in the matter of the application for the enrollment of yourself and children as citizens of the Choctaw Nation, and on April 18, 1902, for the identification of yourself and children as Mississippi Choctaws.

Respectfully,

Chairman.

McM 8/88

No. 5214

For Identification as a Mississippi Choctaw.

Date Nov 1902

Name Nancy Leonard

Age 48 Blood  $\frac{3}{32}$

Post Office, Jeffs. I. T.

Father: George Linney, d

Mother: Nancy " d

Claims through mother -  
husband  
John Leonard, (d) w

Children:

William Leonard, 18  
Joseph " 16  
Charles " 12  
Aminie, (F) 9

claims for self  
& children

Stenographer G. R. R. R. R. R.

Choctaw MCR 5245

Louisa Lane

See MCR 4514

MCR 5245

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, NOVEMBER 21, 1900.

7 R 163.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Louisa Lane and her minor children

Louisa Lane, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Louisa Lane.  
Q What is your age? Forty five.  
Q What is your post office address? A Center.  
Q You appeared before the Commission at South McAlester, Indian Territory in September, 1899, and made application for enrollment as a citizen by blood of the Choctaw Nation, did you not? A Yes sir.  
Q You applied at that time for six children? A Yes sir.  
Q The Commission refused to enroll you at that time? A Yes sir.  
Q You now desire to make application for the enrollment of yourself and your children? A Yes sir.  
Q How many children have you under twenty one years of age and unmarried? A I have six.  
Q Under twenty one years of age and unmarried? A Yes sir.  
Q What are their names and ages? A My eldest one's name is John, and is twenty years.  
Q All right, now five us the rest of them? A The other is named Joseph.  
Q Go ahead. He is seventeen.  
Q The next one. Other one is named Myrtle.  
Q How old is Myrtle? A Fourteen.  
Q Well, the next one? A James.  
Q How old is James? A Twelve.  
Q What is the next one? A Jesse.  
Q Boy or girl? A Boy.  
Q How old is Jesse? A Ten.  
Q What is the name of the next one? A Lennon.  
Q Is that a boy or a girl? A It is a boy.  
Q How old is he? A Seven.  
Q How much Choctaw blood do you claim? A About one fifth or one sixth I reckon.  
Q About a sixth? A I guess, I don't know exactly.  
Q What is your father's name? A My father's name is George Linney.  
Q Is your father living? A No sir.  
Q Was he a white man or a Choctaw? A He was a white man.  
Q What is your mother's name? A My mother's name was named Nancy.  
Q Nancy Linney? A Yes sir.  
Q Is your mother living? A No sir.  
Q Was she a white woman or a Choctaw? A She was a Choctaw.  
Q Who is the father of these children? A Of my children? John Lane.  
Q You are not making any application for him? A For John?  
Q Yes? A No sir, I never have made any application for him or tried to.  
Q Is he the father of all six of your children? A Yes sir.  
Q Is your name or are the names of any of your children upon any of the tribal rolls of the Choctaw Nation? A No sir.

By the Commission:

Tribal rolls of the Choctaw Nation, now in possession of the Commission, prepared by the authorities of the Choctaw Tribe examined, and the names of none of the applicants found thereon.



Louisa Lane-2

- Q Has any application ever been made to the Choctaw tribal authorities for citizenship in that nation for yourself and your six minor children? A No sir.
- Q Have you or your children ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A We were recognized by the Choctaw Indians.
- Q By the Choctaw tribal authorities? Did the Council at Tuskahoma, by any official act ever recognize you or your children as citizens? A I don't hardly understand.
- Q Did the Council at Tuskahoma ever pass an act recognizing you or your children as citizens of the Choctaw Nation, or admitting you to citizenship? A No sir.
- Q Did you, or did any one in your behalf, make application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, to this Commission? A I don't understand that.
- Q Four years ago did you or did any one for you make application for citizenship? A Not to the Commission.

By the Commission:

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined and the names of none of the applicants found thereon.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory on appeal from the decision of the Choctaw authorities or of this Commission? A No sir.

By the Commission:

Record of persons admitted to citizenship in the Choctaw Nation by judgment of the United States States Courts in Indian Territory examined, and the names of none of the applicants found thereon.

- Q What is your claim for enrollment of yourself and your children as citizens by blood of the Choctaw Nation? A What is my claim?
- Q Yes? A How is that? I don't understand that.
- Q Your name or the names of any of your children are not on the tribal rolls of the Choctaw Nation; neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by this Commission or by the United States Courts on appeal. What then, is your claim to enrollment as a citizen of the Choctaw Nation? A Why, I claim it from my mother, a Choctaw.
- Q Is your mother a recognized and enrolled member of the Choctaw tribe of Indians? A No sir, she never was enrolled.
- Q Was she ever admitted to citizenship in the Choctaw Nation by the Choctaw authorities? A No sir, my great-grandfather was.
- Q Admitted to citizenship in the Choctaw Nation? A Yes sir.
- Q You are making an application for the enrollment of yourself and your children as citizens by blood of the Choctaw Nation are you not? A Yes sir.
- Q Is there any additional statement which you desire to make in support of this application? A Is there which?
- Q Is there any additional statement you want to make? Anything more you would like to say? A No sir, not that I know of.

By the Commission:

The Commission refused your application for enrollment at South McAlester, Indian Territory, last August for the reason that your name was not on the tribal rolls; it is developed from the examination at this time that your name is not on any of the rolls and that you have not, nor have any of your children been admitted to citizenship in the Choctaw Nation.

You will be furnished in the near future with a copy of the decision of the Commission, in writing, mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony in the above entitled cause on November 21, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 1900.



Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 18, 1902.

5245

In the matter of the application for identification as Mississippi Choctaws of Louisa Lane, for herself and her three minor children, Joseph, Jesse and Lennon Lane.

Applicants not represented by Attorney.

Louisa Lane being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Louisa Lane.  
Q What is your age? A Forty-six.  
Q What is your post office address? A Krebs, I.T.  
Q How long have you lived there? A I went there last year.  
Q Where did you live before that? A At Center, Chickasaw Nation.  
Q How long did you live there? A Three years.  
Q Where did you live before that? A In the Choctaw Nation.  
Q You lived there how long? A Came there in ninety-four.  
Q How long have you lived in Indian Territory altogether? A I came to the Territory in ninety-four but I was born here.  
Qx How long did you live here when you were born here? A I was born in fifty-six and lived here until sixty-four.  
Q You went where? A Texas.  
Q Lived in Texas how long? A From sixty-four to ninety-four.  
Q Lived in different places? A Yes, sir.  
Q Then you came to the Territory and have lived here since? A Yes, sir.  
Q What is your father's name? A George Linney.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Nancy Linney.  
Q She is dead? A Yes, sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A Seven-thirty-seconds.  
Q How much Choctaw blood did your great grandfather have? A Three-quarters.  
Q Your great grandmother? A Full-blood.  
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? No, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A John Lane.  
Q He is living? A Yes, sir.  
Q White man? A Yes, sir.  
Q No claim for him? A No, sir.  
Q How many children have you under age and unmarried? A Three.  
Q Give me the name of the oldest? A Joseph.  
Q How old is Joseph? A Eighteen.

#2

- Q Next? A Jesse.  
Q Boy? A Yes, sir.  
Q How old? A Nine.  
Q Next? A Oh! Jesse is twelve.  
Q Next? A Lennon.  
Q Spell it? A L-e-n-n-o-n.  
Q How old? A Nine.  
Q Boy? A Yes, sir.  
Q Any more? A No, sir.  
Q Is John Lane the father of these children? A Yes, sir.  
Q And you are the mother? A Yes, sir.  
Q They are living with you at your home? A Yes, sir.  
Q Your husband and you are living together as husband and wife?  
A Yes, sir.  
Q Were either of you married before you married each other? A Yes,  
both of us.  
Q Have you any children by these former marriages? A No, sir.  
Q Were you legally divorced or did your husband die? A My hus-  
band died.  
Q Did his wife die? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Choctaw tribal authorities in Indian Territory? A  
No, sir.  
Q Did you ever make application for citizenship in the Choctaw  
Nation under the act of Congress of June 10, 186, to the Dawes  
Commission, that is six years ago? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Dawes Commission at any other time before this  
time? A Yes, sir.  
Q When and where did you make application? A At McAlester.  
Q South McAlester, Indian Territory? A Yes, sir.  
Q Did you make application as a Choctaw by blood? A Yes, sir.  
Q For yourself alone or for yourself and children? A For myself,  
they would not hear my children.  
Q The children were not included then? A No, sir.  
Q Who heard your application, Commissioner McKennon? A I guess  
it was.  
Q And what was done with it, was it refused? A Yes, they refused  
enrollment.  
Q At that time was it not? A Yes, sir.  
Q Did you later on make application for enrollment as a citizen  
by blood of the Choctaw Nation for yourself and your minor  
children before the Commission at Muskogee, November 20, 1900? A  
Yes, sir.

That application is here referred to 7-R-163.

- Q Do you know what was done with that application made by you at  
that time? A No, sir.  
Q Has any action been taken upon it at all to your knowledge or is  
it still open for action? A It is open for action.  
Q You have only three children now who are under age and unmarried?  
A Yes, sir.  
Q At the time you made application, November 21, 1900, at Muskogee,  
there was John, Myrtle and James also? A Yes, sir.  
Q They have married since? A No, sir; James is dead and the others  
are married.

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- Q You now want to make a transfer do you of the record and evidence in this case of yours where you made application before the Commission at Muskogee, November 21, 1900, and make it a part of this present application? A Yes, if it is necessary.

Application made by Louisa Lane at that time is here transferred known as R. 163.

- Q You now come before the Commission to be 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 of that treaty? A Sir?  
Q Do you understand that article? A I have heard it often enough to understand it.  
Q You want it explained again? A Yes, you can explain it, I don't know that I will understand it any better than.

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 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 put into the treaty of 1830. It was then signed and afterwards ratified. That article reads as follows:

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

- Q 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 Who do you claim through what ancestor? A My mother. a--My great grandfather and great grandmother.  
Q What was the great grandfather's name? A Jim Fletcher.  
Q He had how much? A Three-quarters.  
Q Nancy was the other? A Yes, sir.  
Q She had how much? A Full blood.  
Q Did you ever hear that any of your ancestors lived in Mississippi or Alabama at any time, you claim now don't you know as a Mississippi Choctaw? A My great grandfather and great grandmother.  
Q In 1830? A Yes, sir.  
Q Had children there then? A Yes, sir.  
Q What was the name of the daughter of your great grandfather and

- great grandmother who lived with them in Mississippi? A Sallie
- Q Did she live with them in Mississippi before they left there? A That is what I have been taught.
- Q And you have been taught that they left there and came to the Indian Territory? A Yes, sir.
- Q Sallie came with them? A Yes, sir.
- Q How old was Sallie at that time? A I don't know.
- Q Who was Nancy? A That was my mother.
- Q She was born in the Indian Territory? A I don't know where she was born? A
- Q You claim your Choctaw blood through Nancy and she through her mother Sallie and she through Jim Fletcher her father and Nancy Fletcher her mother? A Yes, sir.
- Q Your great grandfather was three-quarters and your great grandmother a full blood? A Yes, sir.
- Q You claim seven thirty-seconds do you? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- 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 States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation except Jim Fletcher and his wife Nancy, with the other Indians between 1833 and 1838 or forty? A Not that I know of.
- Q How do you know that Jim Fletcher and his wife Nancy went from the old Choctaw Nation to the Choctaw Nation Indian Territory? A I have been taught that they went from there.
- Q You know what year? A No, sir; I don't.
- Q Their daughter Sallie went with them? A Yes, sir.
- Q Now if Jim Fletcher and his wife Nancy did not live in Mississippi in 1830 or 1831 and if Jim Fletcher was not the head of a family there then you have no Mississippi Choctaw ancestors who could have been the heads of families in Mississippi since that time because they all came here and stayed here? A No, sir; we have none except them.
- Q Unless you could go back further than Jim and Nancy? A Yes, sir.
- Q Now if you could give me an idea or if you could give positively the age of Sallie, your grandmother and your mother's mother, who you say and your sister testified came from the old Choctaw Nation in 1833 or 1834 with her father and mother then you could determine whether Jim Fletcher had a family, that is had children in Mississippi in 1830. Do you know the exact date when they came? A No, sir; I do not.
- Q Was it in 1832, '33, '34, '35 or '40 or don't you know? A I don't know.
- Q How old was Sallie when they came? A I don't know.
- Q Was she married or just a girl? A I could not tell you that.
- Q Did Sallie have any older brothers or sisters at that time? A None that I know and none that I heard of.
- Q Did any of your Choctaw ancestors own any improvements on land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama preferring to stay there after the treaty was fully ratified and refusing to go to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty 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 after the ratification of the

treaty of 1830 and signify to him their intention to remain in Mississippi, take land there and become citizens of the 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 this caused a good many Indians who held land in Mississippi and Alabama upon which they had improvements to lose both their land and the improvements. The government of the United States took them and sold them 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 by act approved August 23rd of that year another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A No, sir; I don't know.

In 1842, by act approved August 23rd of that year it was determined, that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it further appeared that he had formerly had land in Mississippi which the government had taken from him and sold that he might select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government lands and that a certificate should be given to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A Not that I know of.
- Q Have you any relatives who have appeared before this Commission at any time asking to be identified as Mississippi Choctaws? A No, sir.
- Q Your sister has appeared to-day? A Yes, just now.
- Q You want this case of yours and her case considered together do you not? A Yes, sir.
- Q And the record made by you in the application that you have previously made as well as her application (applicant's sister) made previously to the Commission for enrollment as citizens by blood or otherwise you want to have all considered together? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Do you want any time in which to look up this matter further and produce evidence if necessary? A I don't know where I can get evidence.
- Q Do you think you could look up that evidence in fifteen or thirty days? -----

A reasonable time will be allowed this applicant in which to furnish other evidence if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark complexion black eyes, brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as

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stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 18, 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. Rosecrank*

Subscribed and sworn to before me this 19th day of April 1902.

*Clara Mitchell Wood*

Notary Public.



Commission to the Five Civilized Tribes,  
South McAlester, Ind. Ter.

In the application of Louisa Lane for enrollment as a Choctaw;  
being sworn and examined by Com'r McKennon she testifies as follows

- Q What is your name? A Louisa Lane.  
Q How old are you? A Forty-three.  
Q Are you on the Choctaw rolls? A No sir.  
Q Have you ever been? A No sir.  
Q Have your father and mother ever been on the rolls in the Ter-  
ritory? A No sir.  
Q Where do you live? A Three miles west of Center, Chickasaw  
Nation.  
Q You came from Texas? A Yes sir.  
Q When? A It has been four years ago.  
Q You were born and raised in Texas? A No sir, I was born in  
the Territory, partly raised here and partly in Texas; I have six  
children; I have no grand-children.

Com'r McKennon: Enrollment of all is refused.

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of  
the testimony of Louisa Lane, as given in the presence of my self  
and my sister, and that this is a true and correct translation of  
my sister's testimony.

J. M. Alleen

Muskogee, Indian Territory, March 1, 1901.

Mrs. Louisa Lane,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th of February in which you state that when you appeared before the Commission in October, 1900, that you were informed that you would be furnished with the decision of the Commission as to the rights of you and your children to enrollment as citizens of the Choctaw Nation and that you have not up to this time been furnished with such a decision and now desire to be fully informed as to what action has been taken relative to your enrollment.

Replying to your letter the Commission has to inform you that it appears from our records that at South McAlester, in 1899 Louisa Lane, 43 years of age, appeared before the Commission and made application for the enrollment of herself and her six children as citizens of the Choctaw Nation. The Commission after hearing the testimony at that time refused to enroll you and your children.

On November 21st, 1900 you again appeared before the Commission at Muskogee, Indian Territory, and there renewed your application for enrollment of yourself and your six minor children, John, Joseph, Myrtle, James, Jesse and Lennon Lane. Upon the occasion of this second appearance the Commission fully examined you as to the rights of you and your children to enrollment as citizens of the Choctaw Nation and informed you as follows:

L L 8

"The Commission refused the application made by you for enrollment at South McAlester last August for the reason that your name was not found on the tribal rolls and it has developed from the examination at this time that neither your name nor the names of your children are found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission. Neither does it appear that either you or your children have ever been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of said Nation, 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 Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of said Commission."

This Commission would therefore be without authority to enroll you or your children as citizens of the Choctaw Nation and its refusal of such application upon the occasion of your appearance at South McAlester, Indian Territory, would be final against you.

Yours truly,

Acting Chairman.

7-R-163

M.C.R. 5245

Muskogee, Indian Territory, November 7, 1902.

Myrtle Lane,

Care Louisa Lane,

Krebs, Indian Territory.

Dear Madam:-

It appears from the records of the Commission that on November 21, 1900, application was made to this Commission by Louisa Lane for the enrollment of herself and her five minor children (of which you were one), as citizens by blood of the Choctaw Nation, and that subsequently, on April 18, 1902, she made application for the identification of herself and her three minor children, Joseph, Jesse and Lennon Lane as Mississippi Choctaws, stating at that time that you were married.

If you desire to make an application for identification as a Mississippi Choctaw, it will be necessary for you to appear in person before the Commission at its offices in Muskogee, Indian Territory, as the rules and regulations of the Interior Department and of this Commission require that applicants for identification as Mississippi Choctaws who are over the age of twenty-one years, or who are married, must present themselves before the Commission for examination under oath, when the proper record will be made in their case.

The Commission is authorized by the act of Congress

Myrtle Lane-----2

approved June 28, 1898, as follows:

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

Article fourteen of the treaty of eighteen hundred and thirty between the United States and the Choctaw Nation, referred to in the above legislation, is as follows:

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

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the

Myrtle Lane-----3

two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 23, 1848.

The Assistant Attorney General for the Interior Department in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It is necessary therefore, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that the least remote of your ancestors who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

The agreement recently entered into between the United States and the Choctaw and Chickasaw Nations as ratified by the act of Congress approved July 1, 1902, and by the citizens of the Choctaw and Chickasaw Nations in a general election held on 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."

Under the provisions of said agreement above quoted, this Commission is only authorized to hear applications for identification

Myrtle Lane-----4

as Mississippi Cheetaws until March 25, 1903, up to and inclusive of which date you will be permitted to make such application; however, if you desire to have your application consolidated with that made by your mother, in order to secure the benefit of her testimony given at that time, it will be necessary for you to make your application within thirty days from this date, as the Commission will at that time take up said application for final consideration.

Respectfully,

Acting Chairman

M.C.R. 5245

Muskogee, Indian Territory, November 7, 1902.

John Lane,  
Krebs, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that on November 21, 1900, application was made to this Commission by Louisa Lane for the enrollment of herself and her five minor children (of which you were one), as citizens by blood of the Choctaw Nation, and that subsequently, on April 18, 1902, she made application for the identification of herself and her three minor children, Joseph, Jesse and Lennon Lane as Mississippi Choctaws, stating at that time that you were of age.

If you desire to make an application for identification as a Mississippi Choctaw, it will be necessary for you to appear in person before the Commission at its offices in Muskogee, Indian Territory, as the rules and regulations of the Interior Department and of this Commission require that applicants for identification as Mississippi Choctaws who are over the age of twenty-one years or who are married, must present themselves before the Commission for examination under oath, when the proper record will be made in their case.

The Commission is authorized by the act of Congress



John Klane-----3

approved March 3, 1837, and August 23, 1842.

The Assistant Attorney General for the Interior Department in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'".

It is necessary therefore, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that the least remote of your ancestors who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

The agreement recently entered into between the United States and the Choctaw and Chickasaw Nations as ratified by the act of Congress approved July 1, 1902, and by the citizens of the Choctaw and Chickasaw Nations in a general election held on 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."

Under the provisions of said agreement above quoted, this Commission is only authorized to hear applications for identification as Mississippi Choctaws until March 25, 1903, up to and inclusive

John Lane-----2

approved June 28, 1898, as follows:

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

Article fourteen of the treaty of eighteen hundred and thirty between the United States and the Choctaw Nation, referred to in the above legislation, is as follows:

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

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress

John Lane-----4

of which date you will be permitted to make such application; however, if you desire to have your application consolidated with that made by your mother, in order to secure the benefit of her testimony given at that time, it will be necessary for you to make your application within thirty days from this date, as the Commission will at that time take up said application for final consideration.

Respectfully,

Acting Chairman

Choctaw R-163.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application )  
of Louisa Lane for the enrollment )  
of herself and her six minor )  
children--John Lane, Joseph Lane, )  
Myrtle Lane, Jane Lane, Jesse )  
Lane and Lemnon Lane--as citi- )  
zens by blood of the Choctaw Nation. )

To Louisa Lane,

Center, Indian Territory.

You are hereby notified that you and your children 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 children 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 perform 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

L. L. 2.

children are descendants of Choctaw Indians who resided in the 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.

Chectaw R 163

Muskogee, Indian Territory, March 26, 1902.

Wallace Wilkinson,

Attorneys at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing the affidavits of Louisa Lane, Louis R. Ladd and Dacey Giggits, in which affidavits it is alleged that Louisa Lane is the descendant of a Chectaw Indian who lived in the state of Mississippi in 1830.

These affidavits have been filed with the records of the Commission and you are informed that if it is now the intention of Louisa Lane to attempt to prove such rights as she and her children claim as the dependants of Chectaw Indians who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Chectaw Nation, it will be necessary for her to personally appear before the Commission with such witnesses as she may be able to secure in support of said allegations.

You are further advised that Louisa Lane will be allowed thirty days from the date hereof within which to submit such evidence; and if at the expiration of that time no personal

W W 2

testimony substantiating the allegations in the affidavits now filed is presented, the Commission will consider that she does not wish to prosecute the claim as a Mississippi Choctaw, and that the case is completed, and it will proceed to render its decision as to the rights of herself and children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be duly made known to her when rendered.

Yours truly,

Commissioner in Charge.

Register

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

ALLISON L. AYERSWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5245

Muskogee, Indian Territory, February 11, 1903.

Louisa Lane,

Krebs, Indian Territory.

Dear Madam:

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 George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| George W. Fletcher, et al., | M.C.R. 4514 |
| Thomas J. Fletcher, et al., | M.C.R. 4516 |
| Mary E. McKee, et al.,      | M.C.R. 4515 |
| Florence McKee, et al.,     | M.C.R. 5010 |
| Arrie Rogers, et al.,       | M.C.R. 5001 |
| Nancy Fletcher,             | M.C.R. 4517 |
| Susan Fletcher,             | M.C.R. 4518 |
| Nancy Leonard, et al.,      | M.C.R. 5244 |
| Annie Skellenger, et al.,   | M.C.R. 5517 |
| Margaret Partain, et al.,   | M.C.R. 5518 |
| Frank Leonard,              | M.C.R. 5608 |
| Othelia Taylor, et al.,     | M.C.R. 5519 |
| Johnnie Hatton, et al.,     | M.C.R. 5521 |
| Leora Blackman, et al.,     | M.C.R. 5522 |
| Eddie Harris, et al.,       | M.C.R. 5523 |
| John Perry Linney, et al.,  | M.C.R. 5504 |
| Louisa Lane, et al.,        | M.C.R. 5245 |

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



Louisa Lane, -2


States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Ammie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Malethia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled 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.

*W. O. B.*

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5245

ALLIBON I. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 8, 1903.

Louisa Lane,  
Krebs, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th 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 George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,



Commissioner in Charge.

M.C.R. 5245

Louisa Lane, appeared at South McAlester, Indian Territory, September 1899 and made application for enrollment as citizens of the Choctaw Nation of herself and her minor children, John, 20 years, Joseph, 17 years, Myrtle, 14 years, James, 12 years, Jesse, 10 years and Lennon, 7 years. She also appeared at Muskogee Indian Territory, April 18, 1902, and made application for the identification as Mississippi Choctaws of herself and her minor children, Joseph, Jesse and Lennon Lane.

Her son John Lane having reached the age of 21, and her daughter Myrtle having married, were not included in her application for identification as Mississippi Choctaws; they are however carded as applicants for identification as Mississippi Choctaws for the reason that it is considered that her request for the transfer of the record in her application for enrollment to be made a part of her application for identification as Mississippi Choctaws carries with it the claims of her children John and Myrtle.

No. 5245

For Identification as a Mississippi Choctaw.

Date APR 1<sup>st</sup> 1902

Name *Louisa Lane*

Age *46* Blood *1/32*

Post Office, *Krebs, D. T.* —

Father: *George Linney d*

Mother: *Naney " d*

Claims through *mother*

*John Lane l. w.*  
*husband*

*No. claim for*  
*husband*

Children:

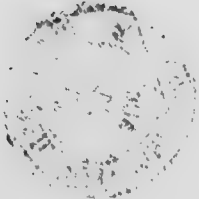
*Joseph " 18*

*Jesse " 12~~7~~*

*Lennon " (N.) 9*

*claims for self*  
*and children*

Stenographer *G. Rosenowickel*



... THE ...  
...  
...  
APR 7 1903

*[Handwritten signature]*

CHAIRMAN

RECISTRY  
MAY 25 1903  
MUSKOGEE, IND.

REGISTERED  
MAR 11 1903  
KREBS, IND. TER.

REGISTERED  
FEB 17 1903  
MUSKOGEE IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Handwritten scribble*

Louisa Lane,

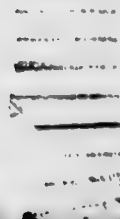
2139

~~Krebs~~ Indian Territory.



*Not Cleared*

5245



*General Office  
Advising that Sec. of Int. has  
affirmed Commission's decision*

*Removal of  
no interest*



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Louisa Lane,

, Indian Territory.



Choctaw MCR 5246

Savery Morrison

See MCR 5247, 5248, 5249  
5250, 5251

MCR 5246

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

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

|                       |             |
|-----------------------|-------------|
| Savery Morrison       | M.C.R. 5246 |
| Amanda Brown, et al   | " 5247      |
| Ella Williams, et al  | " 5248      |
| Mary Smith, et al     | " 5249      |
| Lissie Reddeek, et al | " 5250      |
| Etta Frazier, et al   | " 5251      |

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

(Page)

|                                                                                                                              |     |
|------------------------------------------------------------------------------------------------------------------------------|-----|
| Original application of Savery Morrison before the Dawes Commission for identification as a Mississippi Choctaw .....        | 1   |
| Certificate of W. B. Stephens, W. P. ....                                                                                    | 9-A |
| Affidavit of Thomas Peters .....                                                                                             | 9-B |
| Original application of Amanda Brown, et al., before the Dawes Commission for identification as Mississippi Choctaws .....   | 10  |
| Original application of Ella Williams, et al., before the Dawes Commission for identification as Mississippi Choctaws .....  | 16  |
| Original application of Mary Smith, et al., before the Dawes Commission for identification as Mississippi Choctaws .....     | 20  |
| Original application of Lissie Reddeek, et al., before the Dawes Commission for identification as Mississippi Choctaws ..... | 25  |
| Original application of Etta Frazier, et al., before the Dawes Commission for identification as Mississippi Choctaws .....   | 30  |

Decision of the Commission refusing the application  
of Savary Morrison, et al., for identification as Mis-  
sissippi Choctaws .....34

-----0-----

5246

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

In the matter of the application of Savery Morrison for  
identification as a Mississippi Choctaw.

Said Savery Morrison, being first duly sworn testified as  
follows:-

A. W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Savery Morrison.  
Q How old are you? A I reckon about sixty.  
Q How much Choctaw blood have you? A Half.  
Q What's your postoffice address? A Roseneath.  
Q What County is it in? A Yazoo.  
Q Do you live in Yazoo County? A Yes.  
Q How long have you lived in Yazoo County? A I moved there last  
Christmas.  
Q Where did you live immediately before moving to Yazoo County?  
A I lived in Carroll County--I was bred and born there.  
Q Have you lived in Yazoo and Carroll Counties all your life? A  
Yes sir.  
Q Were you a slave? A Yes sir.  
Q Is your father living? A ~~Yes~~ No sir.  
Q What was his name? A Jack Burkhead.  
Q Is your mother living? A No sir.  
Q What was her name? A Katie.  
Q Through which one of your parents did you get your Choctaw blood?  
A On my father's side.  
Q How much Choctaw blood did your father have? A Half.  
Q Your mother had no Choctaw blood? A No sir.  
Q Were your father and mother both slaves? A Yes sir.  
Q And you said that your father was only one-half Choctaw? A Yes  
sir.  
Q Yet you claim to be possessed of one half Choctaw blood? A Yes  
sir.  
Q How do you figure that out? A My father was half and I am half--  
My grandfather was whole. I reckon that would make me three-quar-  
ters.  
Q Do you speak or understand the Choctaw language? A I used to  
could but I cant now. I used to couldn't talk English at all.  
Q How long has your father been dead? A I don't know, sir, he died  
before I can remember.  
Q About how old would he be if he were living now? A I don't  
know, sir.  
Q Did your father live here in Mississippi all his life? A No sir.  
Q Where was he born? A He lived up about Blackhawk.  
Q What State? A Carroll.  
Q Carroll County? A Yes sir.  
Q He lived in the State of Mississippi, then? A Yes sir.  
Q Then he lived in Mississippi all his life? A Not as I know of.  
Q Do you know where he was born? A No sir.

Savery Morrison--2

- Q Do you know how long before your birth it was that he came to this State? A No sir, I can't remember that.
- Q Did your father speak or understand the Choctaw language? A Yes sir.
- Q Through which one of his parents did your father derive his Choctaw blood? A His father.
- Q What was his father's name? A Burkhead.
- Q What other name did he have? A I don't know.
- Q Did you ever see him? A No sir.
- Q How long has he been dead? A I couldn't tell how many years.
- Q How much Choctaw blood did he claim to have? A Half.
- Q He was half, too? A Yes.
- Q Your father's mother didn't have any Choctaw blood? A No sir.
- Q Through which one of his parents did Burkhead get his Choctaw blood? A His own pa.
- Q His own mother had no Choctaw blood? A No sir, his own pa was all Indian.
- Q Do you know where this man Burkhead was born, your grandfather? A No sir.
- Q You don't know anything about where he lived during his life time then? A I know where he was living when he was living. ~~xx~~
- Q Where did he live to your knowledge during his life time? A Carroll County.
- Q Carroll County, Mississippi? A Yes sir.
- Q You don't know where he lived before that? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Are you living with him at this time? A Yes sir.
- Q Has he any Choctaw blood? A Yes sir.
- Q How much? A Half.
- Q How do you know? A My mistress said so.
- Q Do you want to make any application for him? A No sir.
- Q What's his name? A William Morrison.
- Q Have you any children living who are under age and unmarried? A No sir, they're all married.
- Q This application, then, is for yourself only? A Yes sir.
- Q Do you know whether your father and mother were married? A Yes sir.
- Q How do you know they were? A They said they was married.
- Q They were both slaves, weren't they? A Yes sir.
- Q How long did they live together as husband and wife? A Until they died--she died first.
- Q About how long was it? A I don't know, sir--I was so small.
- Q How many children were born to them? A Three.
- Q Were your father's father and mother married? A Yes sir, I reckon they were.
- Q You don't know anything about that? A No sir.
- Q How many children were born to them? A I don't know, sir.
- Q Do you know how long they lived together as husband and wife? A No sir.
- Q They were both slaves, weren't they? A Yes sir.
- Q Have you any evidence of the marriage of your father and mother and your grandfather and grandmother on your father's side? A No sir.
- 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 sir.

Savery Morrison--3

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

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know what is meant by the word "treaty"? A No sir.

Q You have no idea what is meant by the word "treaty", then? A No sir.

A treaty is a contract or agreement between Nations, or between the Government of the United States and an Indian Tribe. An article of a treaty is one part or subdivision of a treaty. This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of 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 west to the new country might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section 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 think you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't think I do.

This 14th article, as I have explained to you, refers to Indians who lived here 70 years ago and over, when this treaty was made. If a Choctaw who lived here at that time decided that he wanted to stay here in Mississippi and take land and not move out to the new country, he had the right under that 14th article to do so but he was required by the provisions of that 14th article, in case he desired to stay and take land, to let the Agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and he was required to do that within six months from the time this treaty was ratified or finally agreed to and it was ratified on the 24th day of February, 1831; now, he was required within six months from February 24th, 1831, to let an Agent whom the Government had here at that time know that he wanted to stay here and become a citizen of the States and take land here in Mississippi. He was then entitled to a reservation of one section of 640 acres of land, or a piece of land a mile square, and if he had any children in his family over ten years of age, for each one of these children he was entitled to 320 acres of land and for each child in his family under ten years of age he was entitled to a quarter section or 160 acres of land. These reservations for the children were required by the terms of the 14th article to adjoin the location of the parent and the reservations for these Indian families were required, in each instance, to include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on this tract of land, so reserved for him, for five years from the day the treaty was ratified, that is five years from February 24th, 1831, he was entitled to a grant in fee simple for the land, that is, the Government would give him a deed or title to it and it became his. Now, that article says further that persons who claim under that article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government of the United States.

- Q Did any of your forefathers or any of your husband's forefathers 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 Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not as I know of.
- Q Did any of them live here at that time? A Yes sir.
- Q Who? A My father and mother.
- Q Where did your father live 71 or 72 years ago when the treaty was made? A I don't know, sir.
- Q You don't know where he lived? A No sir.
- Q How do you know he lived in Mississippi? A When he was living he was in Mississippi.

Savery Morrison--5

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, sir.

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

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I never knowed of any of them getting any.

Q Did you ever hear of any of your ancestors or any of your husband's ancestors ever having gotten any land here in Mississippi from the Government? A No sir.

Q Or any money? A No sir.

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

Q Did any of your ancestors or any of your husband's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to



Savery Morrison--6

select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors - I mean forefathers-ever receive any of this scrip from the Government of the United States under this act of Congress? A I never has known of any received by them.

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 under that article? A Aint but two old people that know anything about my people--they live at Yazoo City.

Q What are their names? A Tom Peters--he's about seventy-five.

Q What's the other one's name? A His wife's about sixty-five.

Q What do they know about your people? A They know all about them.

Q Do they know whether any of them ever complied with this treaty provision or not? A Not as I know of.

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 sir.

Q Do you know of any written evidence of any kind which would show or tend to show that any of your ancestors or any of your husband's ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever got any land or scrip under that article? A No sir.

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

Q Is your husband's father living? A No sir, he's dead.

Q What was his name? A Morrison.

Q What other name did he have? A Jake.

Q Is your husband's mother living? A No sir.

Q What was her name? A Ann Morrison.

Q Through which one of your husband's parents did he get his Choctaw blood-his father or mother? A Father.

Q How much Choctaw blood did Jake have? A I don't know, sir-my husband is half.

Q Your husband's mother had no Choctaw blood? A Yes sir, she got some in her too-she's got a quarter.

Q How much did your husband's father have? A He must have been more than half-my husband is half himself.

Q Was your husband a slave? A Yes sir.

Q Do you know the names of any of his grandparents? A No sir.

Q Did Jake and Ann live here in Mississippi all their lives? A Yes sir, I reckon they did-I don't know.

Q Did any of your ancestors or any of your husband's ancestors ever live in Indian Territory? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at this place between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and

Savery Morrison --7

their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Seven.
- Q What are their names, the oldest first? A Manda Brown, the wife of Henry Brown.
- Q Next one? A Johnnie Morrison.
- Q Is he married? A Yes sir.
- Q What's his wife's name? A Lula Morrison.
- Q What's the name of the next child? A William Morrison.
- Q What's his wife's name? A Annie.
- Q What's the name of the next one of your children? A Ella Williams-the wife of George Williams.
- Q What's the name of your next child? A Mary Smith.
- What's her husband's name? A Richard Smith.
- Q What's the name of your next child? A Delia Fredger.
- Q What's her husband's name? A I don't know his other name-I think it's Noah.
- Q What's the name of your next daughter? A Rebecca Malone, the wife of Gus Malone.
- Q Next one? A That's all.
- Q Have you any children dead who left children? A Yes sir, I got five dead.
- Q Did any of them leave children? A No sir.
- Q Have you any brothers living? A No sir.
- Q Any sisters living? A No sir not but one-she's living in Choctaw.
- Q Choctaw County, Mississippi? A Yes sir.
- Q What's her name? A Matilda Williams.
- Q Is she your full sister? A Yes sir.
- Q Has she ever been before this Commission? A Not as I know of.
- Q Did you ever have a brother? A Yes sir, had two brothers.
- Q What were their names? A George Hunter and Osborn Hunter.
- Q Were they full brothers of yours? A Yes sir.
- Q Did either of them leave children? A Yes sir.
- Q How many did George leave? A Two.
- Q Are they living? A Yes sir.
- Q What are the names of his two children? A I don't know what their names are.
- Q How many children did Osborn leave? A Four.
- Q Are they living? A Three of them are living.
- Q Do you know their names? A Yes sir.
- Q What are they? A Lizzie, Maggie and Jimmie.
- Q Are any of these children married? A All three of them married.
- Q What's the name of Lizzie's husband? A I don't know, sir.
- Q What's the name of Maggie's husband? A I don't know, sir.
- Q Where do they live? A In Lexington, Mississippi.
- Q Did you ever have any other sisters besides the one who lives in Choctaw County? A Yes sir.
- Q How many more did you have? A Four more.
- Q Full sisters? A Yes sir, they're all dead.

Savery Morrison--8

- Q Did any of them leave children? A Yes sir, some of them but I cant think of all their names.
- Q What's the name of your oldest sister who is dead? A Mahala Williams.
- Q How many of her children are living now? A I don't know how many--five living that I remember.
- Q Name those that you can remember? A Tempie Vincent.
- Q Next one? A Matilda Williams.
- Q Next one? A Frances.
- Q Frances what? A She wont married when I knew her.
- Q Next one? A There's another one named Katie--I don't know her husband's name.
- Q Next one? A Two boys--the oldest is named Adam and the other is Osborn.
- Q Williams? A Yes sir, all Williams.
- Q What's the name of the next one of your sisters? A Lula, but I don't know her husband's name.
- Q Did Lula leave any children? A Yes sir, left three but I don't know their names.
- Q What's the name of your next sister? A Mary Jane.
- Q Did she leave children? A Yes sir.
- Q Do you know their names? A No sir.
- Q What's the name of your next sister? A Tempie Buckler.
- Q Did she have children? A Left two, the oldest one is named Lula Butler; and the next one is named Mandy Vincent.
- Q Is that all of your deceased sisters? A Yes sir.
- Q Did your father ever have any brothers or sisters? A He had four brothers.
- Q Are any of them living now? A Not as I know of.
- Q Are any of the descendants of any of his brothers living? A No sir--I don't know anything about them.
- Q Have you any written evidence you wish to offer at this time? A Yes sir.

The affidavit of Thomas Peters is offered in evidence--identified as "Exhibit-A", filed and made a part of the record in this case.

The applicant is a mulatto, she has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates. She does not speak or understand the Choctaw language. She has the features and facial expression of a negro.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of April, 1902,

Savery Morrison--9

at Meridian, Mississippi.

*L. B. Mosley,*

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

By

*Smith.*

Deputy.

J. G. W.  
C. W.

COPY.

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

---0---

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

|                       |             |
|-----------------------|-------------|
| Savery Morrison       | M.C.R. 5246 |
| Ananda Brown, et al   | " 5247      |
| Ella Williams, et al  | " 5248      |
| Mary Smith, et al     | " 5249      |
| Lizzie Reddock, et al | " 5250      |
| Etta Frazier, et al   | " 5251      |

--: 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 Savery Morrison for herself; by Ananda Brown for herself and her two minor children, Adam and Mollie Brown; by Ella Williams for herself and her five minor children, Ida, Sadie, George, Leron and Maggie Williams; by Mary Smith for herself and her three minor children, Eugene, Mary Ella and Alice Smith; by Lizzie Reddock for herself and her two minor children, Bert and Fletcher Reddock; and by Etta Frazier for herself and her minor child, Mary Frazier, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Horri-son, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and

Mary Prasier as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

*Tams Bixby.*

~~Asst. Secy~~ Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

APR 29 1903

M.C.R 5246

COPY.

Muskogee, Indian Territory, April 13, 1903.

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

Dear Sir:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.,   | M.C.R. 5251 |

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

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

Said decision concludes as follows:



"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Mary Frazier as such should therefore be refused, and it is so ordered."

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

Respectfully,

Yours truly,

*James Bixby.*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 13, 1903.

Savery Morrison,  
Roseneath, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddeck, et al., | M.C.R. 5250 |
| Etta Frasier, et al.,   | M.C.R. 5251 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Mary Frazier as such should therefore be refused, and it is so ordered."

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

COPY.

Muskogee, Indian Territory, April 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al, embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.,   | M.C.R. 5251 |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Mary Frazier as such should therefore be refused and it is so ordered."

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

Respectfully,

*Jams Bixby*  
Chairman.

Muskogee, Indian Territory, April 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sawyer, Morrison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The same consolidated decision between the folk in original applications heretofore by the Commission:

|                           |           |
|---------------------------|-----------|
| Sawyer, Morrison,         | .C. 5246; |
| Amelia Brown, et al.,     | .C. 5247; |
| John Williams, et al.,    | .C. 5248; |
| Mary Smith, et al.,       | .C. 5249; |
| Elizabeth Rodden, et al., | .C. 5250; |
| John Brazier, et al.,     | .C. 5251. |

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

Through the  
Commissioner of Indian Affairs.

Enc.: .C. 5246.

(50)

*James Dwyer*  
Chairman.

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28524-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of the following persons for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on April 13, 1903:

Savery Morrison for herself; by Amanda Brown, for herself and her two minor children, Adam and Mollie Brown; by Ella Williams, for herself and her five minor children, Ida, Sadie, George, Leron and Maggie Williams; by Mary Smith, for herself and her three minor children, Eugene, Mary Ella and Alice Smith; by Lizzie Reddock, for herself and her two minor children, Bert and Fletcher Reddock, and by Etta Frazier, for herself and her minor child, Mary Frazier.

The record in the case shows that the applicants base their claims to a right to identification on their descent from ..... Burkhead, first name unknown, father of Jack Burkhead, ancestor of Savery Morrison, and from Jake Morrison, and Ann Morrison, his wife, the ancestors of William Morrison.

It is alleged that ..... Burkhead, father of Jack Burkhead, was a citizen of the Choctaw Nation in Mississippi in 1830, but as to his compliance or attempted compliance with the provisions of the fourteenth article of the Choctaw treaty of that year, the witnesses are unable to state, relying on their Choctaw blood derived from him for their right to identification. The Parties are unable to give any definite information with reference to the compliance on the part of Jake Morrison, or his wife, with the provisions of the fourteenth article of the Choctaw treaty of 1830.

The Commission rejected the applicants for the reason that the principal applicant was born of a slave mother prior to the Emancipation Proclamation, and was herself a slave, and that the other applicants are her lineal descendants, and it is the opinion of the Commission that no freedman is entitled to identification as a Mississippi Choctaw.

An examination of the records of this office shows that there was no person of the name of Burkhead who was an applicant or beneficiary under the provisions of the fourteenth article of the Choctaw treaty of 1830, nor was there any person of the name of Jack Burkhead, or Jake Morrison, or Ann Morrison, who complied or attempted to comply with the provisions of the fourteenth article of that treaty. It is therefore my opinion that the decision of the Commission, in so far as it rejects the applicants, should be approved, and I so recommend.

REH-O.

Very respectfully, W. A. Jones,  
Commissioner.



(COPY)

D.C.22222

J.P.

ITD.5388-1903.

W.C.F.

DEPARTMENT OF THE INTERIOR.

EAF.

WASHINGTON.

August 7, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 29, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Savery Morrison; of Amanda Brown and her minor children, Adam and Mollie Brown; of Ella Williams and her minor children, <sup>Sadie</sup> Ida, George, Leron and Maggie Williams; of Mary Smith and her minor children, Eugene, Mary Ella and Alice Smith; of Lizzie Reddock and her minor children, Bert and Fletcher Reddock; of Etta Frasier and her minor child, Mary Frasier.

It appears that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants are her lineal descendants. You rejected the applicants April 13, 1903, holding that no freedman is entitled to identification as a Mississippi Choctaw.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of one Burkhead (given name not known), through his son, Jack Burkhead;

also, of Jake Morrison and Ann Morrison. It is alleged that said ancestors were Choctaw Indians, and that the father of Jack Burkhead was a resident of Mississippi in 1830.

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

Reporting July 2, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision inso far as it rejects the applicants.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.C.R. 5246

Muskogee, Indian Territory, August 25, 1903.

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

Gentlemen:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by mail on the 13th day of April, 1903.

Respectfully,

Chairman.

M.C.R. 5246

Muskogee, Indian Territory, August 25, 1903.

Savery Morrison,

Roseneath, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Chairman.

M.C.R. 5246

Muskogee, Indian Territory, August 25, 1903.

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

Dear Sir:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Chairman.

419-1908

Muskogee, Oklahoma, January 22, 1908.

Mr. N. W. Sunfall,  
Attorney at Law,  
Belsoni, Mississippi.

Sir:

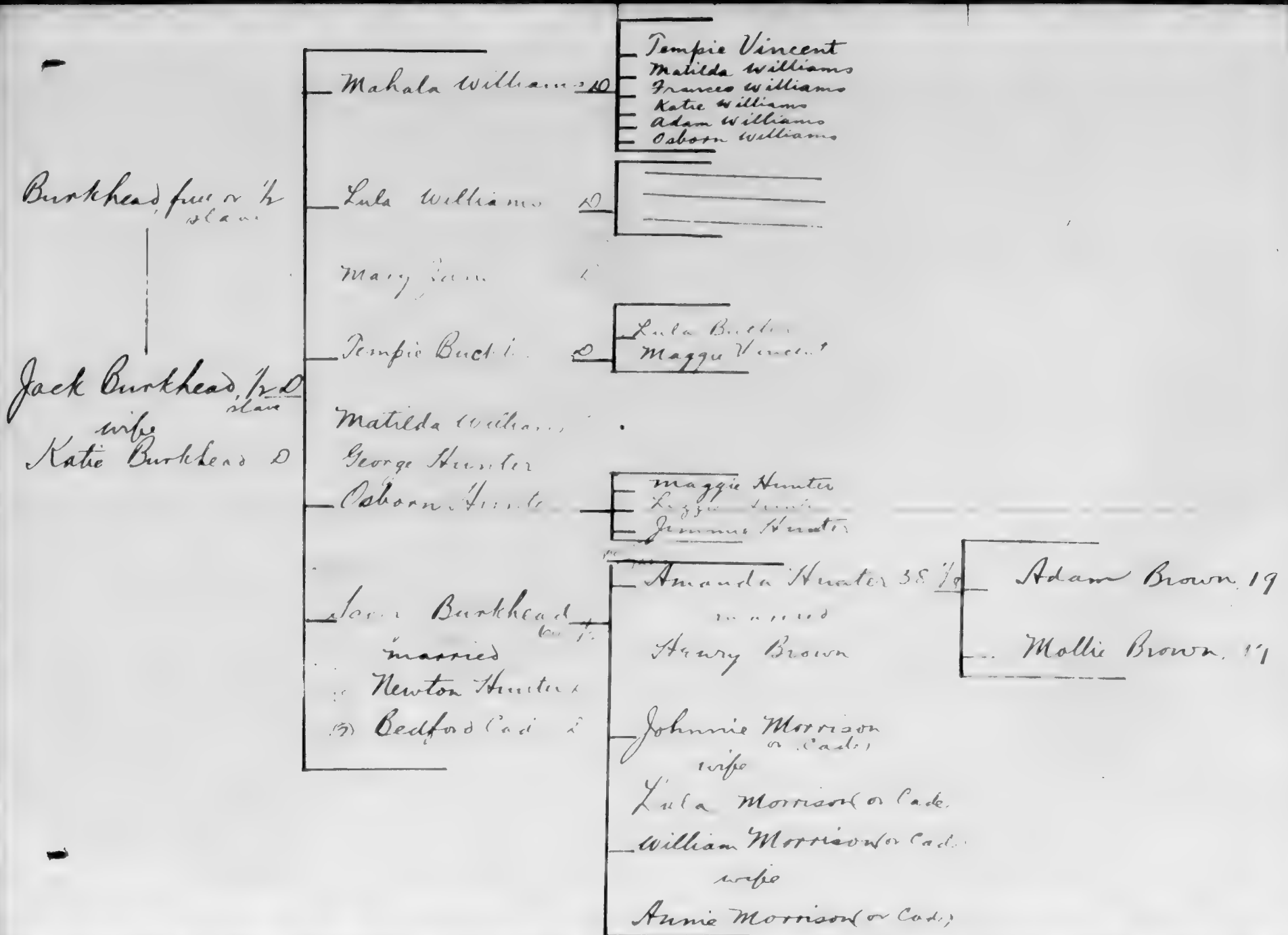
Replying to your letter of January 3rd you are advised that the Mississippi Choctaw claim of Savery Morrison, et al. was rejected by the Commission to the Five Civilized Tribes in a decision rendered April 13, 1903, of which action the applicants were notified by registered mail. The Commission's action was affirmed by the Secretary of the Interior August 7, 1903, and due notice of such Departmental action was furnished the applicants August 25, 1903.

The rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and there is now no authority of law for the consideration of applications for enrollment as members of any of said tribes.

Respectfully,

Commissioner.

McM



RET TO M. C. R. 5246



Burkhead, full name

Jack Burkhead 1/2 D  
wife

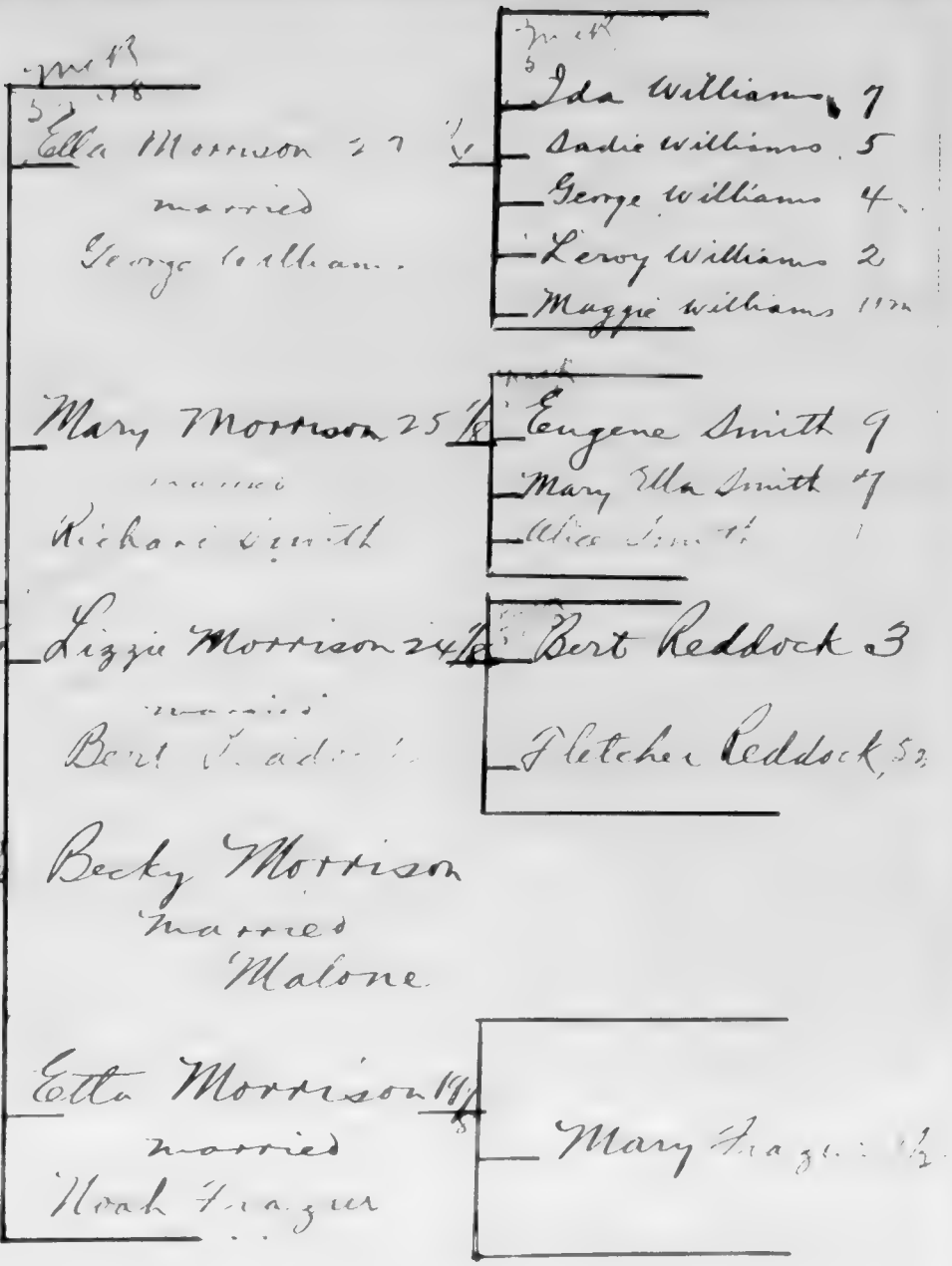
Kate Burkhead 1/2 D

Jake Morrison Dead  
wife

Ann Morrison 1/2 D

Savery Burkhead

William Morrison 1/2 D



No

5113

For Identification as a Mississippi Choctaw.

Meridian, Miss

No 1112

Date

Name Sweeney Harrison

Age 60

Blood 1/2

Post Office, Rossmore, Miss

Father: Jack Burkhead d

Mother: Katie " d

Claims through father

husband William Harrison (1/2) d

no Father Sweeney Harrison d

Mother " " d

Children:

Father: Jattie " d

Stenographer

J. S. Sims

Choctaw MCR 5247

Amanda Brown

See MCR 5246

MCR 5247

5247

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

In the matter of the application of Amanda Brown for the identification of herself and two minor children, Kollie and Adam, as Mississippi Choctaws.

Said Amanda Brown, being first duly sworn, testified as follows:

(A.W. Jones, Agent for applicant)

Examination by the Commission.

- Q What's your name? A Amanda Brown.
- Q How old are you? A Going on thirty-nine.
- Q How much Choctaw blood have you? A I just come in by my mother and my mother's grandfather was a whole Indian.
- Q How much do you claim to have, then? A I couldn't really tell how much I had.
- Q Your mother's father's father, you claim, was a full blood Choctaw, is that the idea? A Yes sir.
- Q And his wife had no Choctaw blood? A I don't know, sir--I don't know anything about them. They was dead before I was born I suppose. My mother's grandfather-----
- Q Did your mother's mother have any Choctaw blood? A Not as I knows of.
- Q Your mother, according to your statement, would be possessed of one fourth Choctaw Indian blood and you would be one-eighth, is that right? A I suppose so.
- Q What's your postoffice address? A Roseneath.
- Q What county? A Yazoo County.
- Q How long have you lived in Yazoo County? A I lived up there about fifteen years.
- Q Where did you live before that? A I lived in Carroll County before that.
- Q Carroll County, Mississippi? A Yes sir.
- Q How long did you live there? A I been living there ever since I was born--I was born there.
- Q Is your father living? A No sir.
- Q What was his name? A Newton Hunter.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Savery Morrison.
- Q Is she the Savery Morrison who appeared before the Commission on this date and made application for identification as a Mississippi Choctaw? A Yes sir.
- Q Your father had no Choctaw blood? A No sir.
- Q Was he a slave? A Yes sir.
- Q How many times was your mother married? A She's been married a third time.
- Q Has your mother lived here in Mississippi all her life? A Yes sir.
- Q Was she a slave, too? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Henry Brown.
- Q He has no Choctaw blood? A No sir.

Amanda Brown et al--2

- Q You make no claim for him? A No sir.
- Q How many children have you living? A Two .
- Q What are their names and ages? A Adam Brown and Mollie Brown.
- Q How old is Adam? A He's going on twenty.
- Q How old is Mollie? A Going on eighteen.
- Q Are they both living with you at this time? A Yes sir.
- Q They are both the children of yourself and Henry Brown? A Yes sir.
- Q Have either of them been married? A No sir.
- Q This application, then, is for yourself and two minor children, is that right? A Yes sir.
- Q Has any application of any description ever been made before today for you or either of these two children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

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 some of these Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation might receive land here in Mississippi from the Government. It is as follows:

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

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

Q Do you think you understand that 14th article? A No sir, I don't understand it altogether.

This 14th article referred to Choctaws who were living here in Mississippi 71 years ago, or more, when the treaty was made. If a Choctaw who lived here at that time wanted to stay here in Mississippi and not move out to the new Nation, West of the Mississippi River, he was entitled to select land here in Mississippi and receive it from the Government upon certain conditions: First, he was required by the terms of that 14th article to let the Agent of the Government here in Mississippi, for the Choctaws, within six months from the time the treaty was ratified, the treaty was ratified on the 24th day of February, 1831, know that he wanted to stay here and become a citizen of the States. He was then entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; in like manner was entitled to one half that quantity for each minor child which was living with him over ten years of age and for each child who was living with him on the 27th day of September, 1830, the day the treaty was made, under ten years of age, he was entitled to a quarter section or 160 acres of land. The reservations for these children were required by the terms of that 14th article to adjoin the location of the parent and the reservations for these Indians were required in each instance to include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Choctaw lived on this land, so reserved for them, for a period of five years from February 24th, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple for the land—that is, the Government would give them a deed or patent to the land and it became the property of the Indian. That 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government, under treaty stipulations.

Q Did any of your ancestors—or forefathers, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article?

A No sir.

Q You are sure of that, are you? A Yes sir.

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

Q Did any of them live here at that time? A Yes sir.

Q Who of your ancestors lived here at that time, 72 years ago? A I don't know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir.

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

Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government? A No sir.

Q Did you ever hear of any of them ever having gotten any money? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of 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 appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

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

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

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Mr. and Mrs. Peters--the old man himself is about eighty-five years old and the old lady I think is about seventy.

Q What are their names? A Harriet and Tom Peters.

Q Where do they live? A About two miles the other side of Yazoo City.

Q Would they know whether your people ever complied with this treaty provision or not? A They said they didn't.

Q That none of your old folks ever complied with this treaty provision? A Yes sir.

Q When did they tell you that? A I heard them speak of it since the Commission has been here in Mississippi--I heard them say that my people never complied with the treaty and never received any benefits.

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

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

Q Have you any witnesses here today to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us ~~at any~~ here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any brothers living? A Yes sir.

Q How many? A Two.



Amanda Brown et al --6

- Q What are their names? A Johnnie Cade and Willie Cade.  
Q Are they your full brothers? A No sir, their father is dead.  
Q What was the name of their father? A Bedford Cade.  
Q Have you any sisters living? A Yes sir.  
Q How many? A Five.  
Q What are their names--give us their married names? A Delia Frazier, Ella Williams, Mary Smith, Becky Malone and Lizzie Reddock.  
Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a full blood negro--she does not speak or understand the Choctaw language and has none of the features of an Indian.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 19th day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.

5

M.C.R. 5247

GO V

Muskogee, Indian Territory, April 14, 1903.

Acting Agent,  
Muskogee, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Ella Prazier, et al.,   | M.C.R. 5251 |

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 fourteenth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above cited, no procedure is outlined for identification as a Mississippi doctor, and that the applications of Savery Morrison, Arada Brown, Asan Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Tom Frazier as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in this 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.

H.C.R. 5247

Muskogee, Indian Territory, August 25, 1903.

Amanda Brown,

Roseneath, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Samuel Doby,  
Chairman.

No

5217

### For Identification as a Mississippi Choctaw.

Meridian Miss Date Nov 14 1902

Name Amanda

Age 39 Blood 1/8

Post Office, Rosemeath, Miss.

Father Gusto Winters d

Mother Savery American d

Claims through mother  
Husband - Henry  
No claim for husband

Children:

|        |    |
|--------|----|
| Edna   | 19 |
| Mollie | 17 |

Stenographer

J. S. Viles

Choctaw MCR 5248

Ella Williams

See MCR 5246

MCR 5248

5248

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

In the matter of the application of Ella Williams for the identification of herself and five minor children, Ida, Sadie, George, Leron and Maggie, as Mississippi Choctaws.

Said Ella Williams, being first duly sworn, testified as follows:

Appearances: A. W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Ella Williams.  
Q How old are you? A Twenty-seven.  
Q How much Choctaw blood have you? A About a quarter--my mother is half.  
Q What's your postoffice address? A Roseneath, Mississippi.  
Q What County? A Yazoo County.  
Q How long have you lived in Yazoo County? A Ten years.  
Q Where did you live before that--before you moved to Yazoo? A Carroll County.  
Q How long did you live in Carroll County? A I was born there.  
Q Lived there all your life before you went to Yazoo? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A William Morrison.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Savery Morrison.  
Q Is she the Savery Morrison who appeared before the Commission here this morning? A Yes sir.  
Q Your father has no Choctaw blood? A Yes sir, a little.  
Q Do you know how much? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A George Williams.  
Q Has he any Choctaw blood? A No sir.  
Q You make no claim for him? A No sir.  
Q Have you been married more than once? A Onl. once.  
Q How many children have you living? A Five.  
Q What are their names and ages? A Ida, seven;  
Q Next one? A Sadie, five.  
Q Next one? A George, four.  
Q Next one? A Leron, two.  
Q Boy or girl? A Boy.  
Q Next one? A Maggie, eleven months old.  
Q Are these all the children of yourself and George Williams? A Yes sir.  
Q Are they all living with you at this time? A Yes sir.  
Q Have you ever been in Indian Territory? A No sir.  
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Ella Williams et al--2

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

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

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

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

Q Did any of your forefathers ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under that article? A I don't know.

Q Did any of your ancestors, I mean your old folks, own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, I don't think they did.

Q They were all slaves at that time, weren't they? A My grandfather he never was a slave, he was a straight out Indian. My mother was a slave.

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



1838? A No sir, they never did.

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

Q Did any of your Choctaw ancestors ever get any land here in Mississippi from the Government of the United States? A No sir.

Q Never did, you are sure? A No sir.

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

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

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

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had 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, Arkansas or Louisiana, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Ella Williams et al--e4

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No.
- Q You are sure of that, are you? A Yes sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Harriet and Tom Peters might know.
- Q Where do they live? A In Yazoo County, Mississippi.
- Q Are they here today? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove that any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Have you any witnesses here today? A No sir, no more than my mother.
- Q Have you any written evidence to offer--any papers of any kind? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month of within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are there any further statements you want to make at this time? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates--she has the features and facial expression of a negro--does not speak or understand the Choctaw language.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 19th day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.

M.C.R. 5248

COPY

Muskogee, Indian Territory, April 13, 1903.

Ella Williams,  
Rosemeath, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.,   | M.C.R. 5251 |

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 the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Mary Frazier as such should therefore be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

copy.  
M.C.R. 5248

Muskogee, Indian Territory, August 25, 1903.

Elia Williams,

Rosemeath, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Wm. D. Doby

Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 11 1902

Name Ella Harrison

Age 27 Blood 1/4

Post Office, Rowena, Miss

Father: William Harrison D

Mother: Mary D

Claims through husband -

George Williams L  
no claim for husband.

Children:

Ida Williams 7

Dadie " 5

George - " 4

Leron " M 2

Maggie " 11 mo

Stenographer

J. J. Niles

Choctaw MCR 5249

Mary Smith

See MCR 5246

MCR 5249

52-49

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

In the matter of the application of Mary Smith for the identification of herself and three minor children, Eugene, May Ella, and Alice, as Mississippi Choctaws.

Said Mary Smith, being first duly sworn, testified as follows:

Appearances: A.W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Mary Smith.  
Q How old are you? A About twenty-five years old.  
Q How much Choctaw blood have you? A My mother's grandfather was a whole Indian.  
Q Your mother's father was a half blood? A Yes sir.  
Q Your mother is a quarter and you would be an eighth, is that right?  
A Yes sir.  
Q What's your postoffice address? A Rosemeath, Mississippi.  
Q What County? A Yazoo.  
Q How long have you lived in Yazoo? A I've been living there for nine years.  
Q Where did you live before that? A In Holmes County.  
Q How long did you live in Holmes County? A Two years.  
Q Where did you live before that? A In Yazoo County.  
Q You have lived, then, in Yazoo and Holmes Counties, Mississippi, all your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A William Morrison.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Savery Morrison.  
Q Is she the Savery Morrison who appeared before the Commission here this morning? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q Is he a Choctaw? A No sir.  
Q You make no claim for him? A No sir.  
Q What's his name? A Richard Smith.  
Q Have you been married more than once? A No sir.  
Q Has your father any Choctaw blood? A Yes sir.  
Q How much? A I don't know, sir, exactly how much.  
Q You have no idea? A No sir.  
Q How many children have you living? A Three.  
Q What are their names and ages, the oldest first? A Eugene, nine years old.  
Q Next one? A Mary Ella, seven.  
Q Next one? A Alice, a year and seven months old.  
Q Are these children all living with you now? A Yes sir.  
Q Are all three of them the children of yourself and Richard Smith?  
A Yes sir.  
Q This application then is for yourself and three minor children?  
A Yes sir.  
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q There never has been any application made for you? A No sir.



Mary Smith et al--2

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

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't understand that.

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

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

Q Did any of them remove the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the

Mary Smith et al---3

Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

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

Q Did any of them own an improvement here at that time-72 years ago? A Yes sir, my grandfather.

Q Did he own an improvement here at that time? A No sir.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States? A No sir.

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

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

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved 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,

Mary Smith et al--4

Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article?

A Harriet Peters and Tom Peters.

Q Where do they live? A In Yazoo County.

Q Do you think they would know about this old treaty provision--whether any of your people complied with this treaty provision? A Yes sir, they know all about it.

Q Do you know of anyone else who would know about it? A No sir.

Q How do you know they know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A They know all about it--they and my mother was raised up together.

Q How do you know they know about this point? A They say they know.

Q What do they say about it? A They said they knew my grandfather and knew when he died.

Q That wouldn't prove anything about a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek. What else did they say about it?

A I don't know, sir.

Q As a matter of fact you don't know whether they know about this 14th article business, do you? A Yes sir, they know all about it.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your people ever complied with this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that? A No sir.

Q Have you any written evidence to offer --any papers to file? A No sir.

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

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at x here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

The applicant has the appearance of being possessed of a

Mary Smith et al--e5

mixture of negro and either white or Indian blood. She has the features and facial expression of a negro--does not speak or understand the Choctaw language. Her hair is nearly straight.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 19th day of April, 1902, at Meridian, Mississippi.

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

By

*M. A. ...*

Deputy.

M.C.R. 5249

COPY.

Muskogee, Indian Territory, April 13, 1903.

Mary Smith,  
Posenath, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.    | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.      | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.,   | M.C.R. 5251 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Isa Williams, Jade Williams, George Williams, Leron Williams, Aggie Williams, Cory Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Bouzier and Mary Granior as such should therefore be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Jams R. R. R.*  
Chairman.

Registered.

OPY.

M.C.R. 6249

Muskogee, Indian Territory, August 25 , 1903.

Mary Smith,  
Rosenath, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

(D)

James D. Doby,  
Chairman.

No. 5219

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 14 1902

Name Mary Smith

Age 25 Blood 1/8

Post Office, Rossmore

Father: William Howard

Mother: Dora " 2

Claims through husband Edward Smith 1  
No claim for husband

4  
201

|           |       |   |
|-----------|-------|---|
| Children. |       |   |
| Eugene    | Smith | 9 |
| May       | "     | 7 |
| Alice     | "     | 1 |

Stenographer

J. J. Niles



Choctaw MCR 5250

Lizzie Reddock

See MCR 5246

MCR 5250

5250

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

In the matter of the application of Lizzie Reddock for the identification of herself and two minor children, Bert and Fletcher, as Mississippi Choctaws.

Said Lizzie Reddock, being first duly sworn, testified as follows:

Appearances: A. W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Lizzie Reddock.  
Q How old are you? A Twenty-four.  
Q How much Choctaw blood have you? A One-eighth I reckon.  
Q What's your postoffice address? A Belleprairie.  
Q What county? A Yazoo.  
Q How long have you lived in Yazoo County? A I've only been there about six years.  
Q Where did you live before that? A I lived in Holmes County before that.  
Q How long did you live in Holmes? A Two years-I went to Holmes County from Carroll County.  
Q Were you born in Carroll County? A Yes sir.  
Q You have lived, then, in these three counties all your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A William Morrison.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Savery Morrison.  
Q Is she the Savery Morrison who appeared before the Commission here this morning? A Yes sir.  
Q You get your Choctaw blood solely through your mother, do you? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A Bert Reddock.  
Q He has no Choctaw blood? A No sir, not any.  
Q How many children have you living? A Two.  
Q What are their names and ages, the oldest first? A Bert.  
Q How old? A Three years and five months old.  
Q Next one? A Fletcher.  
Q How old? A Five months old.  
Q Are these two children living with you at this time? A Yes sir.  
Q They are the children of yourself and Bert Reddock, are they? A Yes sir.  
Q This application, then, is for yourself and two minor children? A Yes sir.  
Q Has any application of any kind ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q You never have been before the Commission before? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Lizzie Reddock et al--2

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made 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. It is as follows:

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

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

Q Did any of your ancestors--that is forefathers--ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under that article? A No sir.

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

Q Did any of them live here at that time? A Yes sir.

Q Who? A Jack Burkhead, my mother's father.

Q Where did he live at that time? A In Carroll County.

Lizzie Reddock et al---3

Q You don't know whether he owned an improvement here at that time?

A No sir, I don't know.

Q He was a slave, was he not? A I don't know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

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

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the Government to your knowledge? A No sir, they did not.

Q Or any money? A No sir.

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

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

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but

Lizzie Reddock et al--4

that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Yes sir, Harriet Peters and Tom Peters.

Q Where do they live? A They live about two miles from Yazoo City.

Q How old are they? A Harriet Peters is 75 years old and Tom Peters is eighty-one.

Q How do you know they would know whether any of your people ever complied or attempted to comply with the provisions of this 14th article, or not? A They knew my mother.

Q Do you know whether they know about a compliance with this 14th article or not? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

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

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us ~~at any~~ here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. She has the features and facial expression of a negro--does not speak or understand the Choctaw language. Her hair is nearly straight.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a

Lizzie Reddock et al--5

full, true and correct transcript of his stenographic notes taken  
in said proceedings on said date.

*L. B. Moseley*  
Subscribed and sworn to before me this the 21st day of April, 1902,  
at Meridian, Mississippi.

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

By *[Signature]*

Deputy.

M.C.R. 5250

NO. 17

Muskogee, Indian Territory, April 13, 1903.

Lizzie Reddock,  
Welleprairie, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Ananda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.,   | M.C.R. 5251 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Mollie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Frazier and Mary Frazier as such should therefore be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*James B. ...*

Chairman.

Registered.



M.C.R. 5250

Muskogee, Indian Territory, August 25, 1903.

Lizzie Reddock,

Belleprairie, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Chairman.

No. 5239

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 14 1932  
Date

Name Lizzie Reddock

Age 24 Blood 1/8

Post Office, Belle Plaine, Miss.

Father: William Morrison

Mother: Saverly

Claims through  
husband  
Wm. Reddock  
no claim for husband

Children:

Boys Reddock 3

Girls " 5 mo

Stenographer

J. J. Wiley

Choctaw MCR 5251

Etta Frazier

See MCR 5246

MCR 5251

5251

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

In the matter of the application of Etta Frazier for the identification of herself and one minor child, Mary, as Mississippi Choctaws.

Said Etta Frazier, being first duly sworn, testified as follows:  
Appearances; A. W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Etta Frazier.  
Q How old are you? A Nineteen.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Roseneath.  
Q What County? A Yazoo County.  
Q How long have you lived in Yazoo County? A I was born there.  
Q Have you lived in that county all your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A William Morrison.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Savery Morrison.  
Q Is she the Savery Morrison who appeared before the Commission here today? A Yes sir.  
Q Has your father any Choctaw blood? A Yes sir.  
Q How much? A He says he have a quarter.  
Q How much has your mother? A She says her grandfather was a whole Indian and her mother was half.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A Noah Frazier.  
Q Has he any Choctaw blood? A No sir.  
Q You make no claim for him? A No sir.  
Q How many children have you living? A One.  
Q What's that child's name and age? A Mary.  
Q How old is she? A One year and six months.  
Q Is she the child of yourself and Noah Frazier? A Yes sir.  
Q This application, then, is for yourself and one minor child? A Yes sir.  
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory ~~under~~ for yourself and minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these In-

dians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:

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

- Q Do you think you understand that 14th article now? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article by ancestors I mean old folks-forefathers? A No sir.
- Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.
- Q Did any of them live here at that time? A Yes sir, my grandfather.
- Q What was his name? A Jack Burkhead.
- Q Your mother's father? A Yes sir.
- Q Where did he live 71 years ago and over, when this treaty was made? A I don't know, sir.
- Q How do you know he lived here at that time? A That's what she said.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Etta Frazier etal---3

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

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi from the Government of the United States? A No sir, never received any.

Q Ever get any money? A No sir.

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

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

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

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

E. ta Frazier et al---4

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

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

Q Do you know of any old persons that would know about that matter? A No sir.

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

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates--she does not speak or understand the Choctaw language--she has the features and facial expression of a negro--her hair, though, is somewhat inclined to be straight.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 14th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 21st day of April, 1902,  
at Meridian, Mississippi.

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

By

*M. M. M.*

Deputy.

COPY.

Muskogee, Indian Territory, April 13, 1903.

Etta Frazier,  
Rosenath, Mississippi.

Dear Madam:

You are hereby advised that on the 13th, day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Savery Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Savery Morrison,        | M.C.R. 5246 |
| Amanda Brown, et al.,   | M.C.R. 5247 |
| Ella Williams, et al.,  | M.C.R. 5248 |
| Mary Smith, et al.,     | M.C.R. 5249 |
| Lizzie Reddock, et al., | M.C.R. 5250 |
| Etta Frazier, et al.    | M.C.R. 5251 |

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

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

Said decision concludes as follows:



"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Savery Morrison, Amanda Brown, Adam Brown, Vellie Brown, Ella Williams, Ida Williams, Sadie Williams, George Williams, Leron Williams, Maggie Williams, Mary Smith, Eugene Smith, Mary Ella Smith, Alice Smith, Lizzie Reddock, Bert Reddock, Fletcher Reddock, Etta Prazier and Mary Prazier as such should therefore be refused, and it is so ordered."

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

Respectfully,

USIGNED

*James R. ...*

Chairman.

Registered.

M.C.R. 5251

Muskogee, Indian Territory, August 25, 1903.

Etta Frazier,

Rosensath, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Savery Morrison, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

Chairman.

No. 5251

For Identification as a Mississippi Choctaw.

*W. M. Dixon*  
Date

Name *Ettarazier*

Age *19* Blood *18*

Post Office, *W. M. Dixon*

Father, *William Dixon* 2

Mother, *Sarah* 2

Claims through  
*W. M. Dixon* *France* 1  
No claim in husband

Children:

*Mary* *Ettarazier* 1

Stenographer

*J. L. Niles*

Choctaw MCR 5252

Leila C. Ferguson

MCR 5252

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Leila C. Ferguson  
for identification as a Mississippi Choctaw, H.C.R. 5252.

List of papers forwarded to the Secretary of the  
Interior comprising the record in the  
case of Leila C. Ferguson.

|                                                                                                                                 | (Page) |
|---------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Leila C. Ferguson<br>before the Dawes Commission for identification<br>as a Mississippi Choctaw.....    | 1      |
| Petition of Leila C. Ferguson.....                                                                                              | 7      |
| Decision of the Commission refusing the application<br>of Leila C. Ferguson for identification as a<br>Mississippi Choctaw..... | 3      |

-----0-----

5252

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

In the matter of the application of Leila C. Ferguson for identification as a Mississippi Choctaw.

Leila C. Ferguson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Leila C. Ferguson.
- Q How old are you? A Twenty eight. Born in 1872 - twenty nine.
- Q How much Choctaw blood have you? A One eighth; my great grand mother was a full blood Choctaw; that's what they claim.
- Q What's your post office address? A Homer, Louisiana.
- Q What parish? A Claiborne.
- Q How long have you lived in Claiborne Parish, Louisiana? A All my life, except two years I have been here.
- Q In Mississippi? A Yes.
- Q For the last two years you have been in Mississippi? A Yes.
- Q But your home is in Homer? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A George B. Ferguson.
- Q Your mother living? A No, sir.
- Q What was her name? A Susan Ferguson.
- Q Through which one of your parents did you derive your Choctaw blood? A My mother.
- Q How old would your mother be if she were living now? A She would either be fifty three or four, I don't know which.
- Q Where was she born? A In Alabama.
- Q How long did she live in Alabama? A She was very small, almost a child, when she came to Louisiana.
- Q And lived in Louisiana --? A All her life, except the time she went to Arkansas and lived a short while, when my father died.
- Q Through which one of her parents did your mother get her Choctaw blood? A I suppose it must have been through her father- I am sure it was her father.
- Q What was his name? A Hugh Taylor.
- Q Did you know him? A No, I didn't know him; I was small.
- Q Where did he live during his life time? A Part of the time in Alabama, and part of the time in Louisiana.
- Q Do you know where he was born? A No, I don't know.
- Q Do you know how old he would be if he were living now? A I don't know.
- Q Have any idea how old he would be? A He would be a very old man, I am sure, because he has some grown grand children married.
- Q Do you know whether he spoke or understood the Choctaw language?
- A No, sir.
- Q He, then, was a half blood Choctaw, was he? A I suppose so.
- Q Do you know? A No, I don't know; I am just as ignorant about these things as I can be.

Leila C. Ferguson, 2.

- Q Through which one of his parents did Hugh Taylor get his Choctaw blood - his mother or his father? A I don't know; it must have been his mother.
- Q What was her name? A Granny Taylor; she was commonly known as Little Granny Taylor.
- Q You never saw her? A No, sir.
- Q Where did she live during her life time? A I don't know.
- Q Do you know how much Choctaw blood she had? A I think they calimed she was a full blood Choctaw.
- Q You have no idea where she lived? A No, sir, not the least idea.
- Q Do you know whether she spoke or understood the Choctaw language? A Don't know.
- Q Did she ever live in Mississippi? A Not that I know.
- Q Where is your understanding that she did live? A I don't; I have not the least idea; I heard cousin John Scarborough - I heard him tell all about my relations out in Indian Territory several years ago, but I paid such little attention to it; I didn't inquire about it. He was wanting to make my claim too; I thought so little about it, I didn't pay much attention to it.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q This application, then, is for yourself only? A Myself only.
- Q Have you ever made any application of any description before today for the purpose of establishing your rights as a Choctaw Indian? A Never have.
- Q You stated that you had been to the Indian Territory? A Yes, sir.
- Q Did you make any effort out there to establish your rights? A We thought at one time about entering our claim, but we decided not to, but my cousin did before that time.
- Q Do you know whether your name is on any of the Choctaw tribal rolls in Indian Territory? A No, it is not on there at all.
- Q You never made any effort to have it placed on there? A No, sir, none whatever.
- 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 I do.
- Q Do you understand that 14th article? A I am just as ignorant as I can be on this. Explain it to me.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama out to the new nation west of the Mississippi River, 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 at that time and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:

Leila C. Ferguson, 3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 Now, that's the 14th article of the treaty of Dancing Rabbit Creek; do you think you understand that? A Yes, I think I do; I had heard it before; I heard some of my relations tell me of it, but it went out of my mind. I wasn't interested in it then.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A I suppose they complied with it; I don't know whether they ever received any benefits or not.

Q What makes you think they ever complied with its provisions? A I don't know; I don't suppose they have. We never have entered our claim, and they can't comply with it until they do get their claim through.

Q I am speaking of your ancestors who lived here seventy one years ago? A Oh! I don't know anything about that.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, at the time the treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

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

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

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under 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 - your Choctaw ancestors ever having gotten any land here in Mississippi from the Government? A Never have. I don't know whether they ever did or not.

Q Did you ever hear of any of them having gotten any land anywhere from the Government? A No.



Leila C. Ferguson, 4.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. 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 on this account, the Government of the United States at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under this 14th article. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied 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 appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

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

Q Did any of your ancestors ever get any of this scrip from the Government under that Act of Congress? A I don't know.

Q Never heard of them? A Never heard of it; I don't think they ever did.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A No, - Cousin John Scarborough, I think, would be the only one. He lives at Durant, Indian Territory, and has an application before the Commission for identification as a Mississippi Choctaw. I should like for the Commission to consider the testimony in his case, in my case, as we are the descendants of a common ancestor.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted

Leila C. Ferguson, 5.

to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Don't know of any? A Don't know of any.

Q Have you any witnesses here today? A No.

Q Have you any written evidence to offer? A Yes.

The written petition of Leila C. Ferguson is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q That's all the written evidence you have to offer at this time?

A That's all.

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

By Applicant:

I desire that the testimony of James Berry and John L. Oakes, who have heretofore appeared before the Commission and made application for identification as Mississippi Choctaws, shall be considered in my case, as they are cousins of mine and descendants of a common ancestor.

Q Have you any brothers living? A No.

Q Any sisters? A No.

Q Did you ever have any brothers or sisters? A Two sisters.

Q Did they die in infancy? A One did, and the other one was grown.

Q Leave any children? A No, sir.

Q Has your mother any brothers or sisters living? A Yes, sir.

Q How many? A Two brothers living.

Q What are their names? A John Taylor and George Taylor.

Q Where do they live? A George lives at Texarkana, and John at Fayette, Texas.

Q Have they been before the Commission? A I don't know.

Q Has your mother any brothers dead? A One.

Q Did he leave children? A Yes.

Q Where do those children live? A Claiborne Parish, Louisiana.

Q How many children are there? A Three.

Q What are their names? A Hugh Taylor, Ella Taylor and Mrs. Willie Simms.

Q Has your mother any sisters living? A Yes.

Q How many? A Two.

Q What are their names? A Mrs. Charles Yancey; that's her second husband; her first husband was Mr. Gilbert Jones; she had one son; he is living in Texas now.

Q What is the name of the other sister? A Mrs. Lucy Young.

Q Where does Mrs. Young live? A McAlester, Indian Territory.

Q Where does Mrs. Yancey live? A Homer, Louisiana.

Q Has your mother any sisters dead who left children? A No, sir.

Q Hugh Taylor was your mother's father? A Yes, sir.

Lella C. Ferguson, 6.

Q Are any of the brothers or sisters of Hugh Taylor, your mother's father, living? A No, sir.

Q Has he any brothers dead who left children? A I don't know; I don't think he has.

Q Has he any sisters dead who left children? A Not that I know of.

Q You are a cousin to John Scarborough, Durant, Indian Territory, so your petition states; how do you trace that relationship? I don't know anything at all about my relatives; I never have lived about them out there.

Q You don't speak or understand the Choctaw language? A I don't.

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 14th day of 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 21st day of April, 1902.

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

By *M. W. ...*

Deputy.

COPY

re.  
C.W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Leila C. Ferguson  
for identification as a Mississippi Choctaw, N.C.R. 5252.

--: 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 by Leila C. Ferguson for herself under the following pro-  
vision of the act of Congress approved June 23, 1898 (30 Stats.,  
496):

"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."

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, by reason of being  
a descendant of Peggy (or Granny, or Little Granny) Taylor, who

is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled in the Choctaw tribal authorities as a member of the Choctaw tribe, nor admitted to membership in any tribal constituted court or council of the Choctaw Nation, nor by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 17, 1906 (34 Stat., 193).

The name of one Taylor for a court on page 497, Volume I, of the Choctaw tribal evidence, in the case of the Choctaw Nation vs. the United States, before the Board of Claims, in 1901, in a tabular statement of cases arising under the fourteenth article of the treaty of Dancing Rabbit Creek, adjudicated by the board of Commissioners constituted by the Act of Congress of March August 1837, and also on page 499 of the American State Papers, Public Lands, in a general deposition of one James Hodge, do not appear from the evidence submitted by the applicant herein that the Taylor for Brown, or Little (name) Taylor, through whom said applicant claims, is identical with the Taylor for whom whose name appears in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who

heretofore were claimants thereunder, that the said Peggy (or Granny, or Little Granny) Taylor, through whom this applicant claims, 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 Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 193) 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 Leila C. Ferguson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*Lewis Leake,*

Acting Chairman.

*T. B. Weaver,*

Commissioner.

*J. R. Brockinridge,*

Commissioner.

Muskogee, Indian Territory.

1 FR 2 1803

COPY.

L.C.R. 5251

Muskogee, Indian Territory, February 2, 1903.

Leila C. Ferguson,

Monroe, Louisiana.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Leila C. Ferguson, an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leila C. Ferguson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

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

Leila C. Ferguson, --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,

*Leila C. Ferguson*  
Acting Chairman.

Registered.



Muskogee, Indian Territory, February 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Leila C. Ferguson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leila C. Ferguson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

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

Respectfully,

Wm. H. Murray

Acting Chairman.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Leila C. Ferguson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of February 3, 1903.

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

The applicant in this case is related to the applicants in the Consolidated Mississippi Choctaw case of John Scarborough, et al., decision in which was rendered by the Commission on May 13, 1902, and approved by the Secretary on November 10, 1902.

Respectfully,

Yours truly,

*James Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5252

Land.  
12816-1803

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, November 8, 1904.

(COPY).

114-4  
The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for Departmental action, the record in the matter of the application of Leila C. Ferguson, of Homer, Claiborne Parish, Louisiana, M.C.R. 5252, to be identified as a Mississippi Choctaw Indian, together with the recommendation of this office therein. Applicant on her examination before the Commission at Meridian, Miss., on April 14, 1902, requested that the testimony in the cases of her cousins John Scarborough M. C.R. 252, James Berry, M.C.R. 692, and John L. Oakes M.C.R. 3315, also applicants before the Commission for identification as Mississippi Choctaw Indians be considered as evidence in her case. As the testimony of the aforesaid applicants is not incorporated into the record of this case and as it does not appear from the decision otherwise that the testimony of the other named applicants was considered in the adjudication of this claim, it is deemed advisable to again transmit the voluminous record in the cases of John Scarborough et al. aforementioned, for consideration in this case.

The Commission by its decision of February 2, 1903 decided adversely to applicant Leila Ferguson herein, and both the Commission and Department decided adversely to applicants John Scarborough et al

(see I.T.D.4871-1902,Nov.10,1902).

Applicant Leila Ferguson claims rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830, by reason of being a descendant of one Granny Taylor, commonly known as Little Granny Taylor (Indian name Shanke) believed to be a full blood Choctaw Indian woman, a resident of the old Choctaw Nation in Alabama in 1830, who was the mother of one Betsey Scarborough nee Taylor, the wife of James Scarborough, both residents of the Choctaw Nation, Alabama in 1830, who were the parents of John Scarborough who was born in Alabama in 1825 and now resides at Durant, Indian Territory. It appears from the record in the case of John Scarborough et al herein submitted (page 22 record) that the applicant, John Scarborough had three uncles named Bill Taylor, Hugh Taylor and Burrell Taylor and it is claimed by applicant Leila Ferguson that she is a cousin of John Scarborough and is descended from the same common ancestor through her mother, Susan Ferguson, who was the daughter of Hugh Taylor a son of Little Granny Taylor. Applicant admits that her knowledge as to her ancestry was obtained through hearsay of her cousin, John Scarborough of Durant, Indian Territory, who was wanting to make her claim too. John Scarborough claims in his testimony to have been 75 years old in 1900, which would fix the date of his birth about 1825, which, if true, would make him about 5 years old (under 10) at the date of the Treaty of 1830, at which time his father and mother, James and Betsey Scarborough must have been at the head of a family in Alabama, John Scarborough testified that he did not think that any of his ancestors complied with the provisions of Article 14 of the Treaty of 1830 and that he never received any land under the Treaty of 1830. Now as

John Scarborough was 5 years old at the date of the Treaty of 1830, if his Indian mother, Betsey Scarborough nee Taylor ever applied to the Indian Agent Ward to be registered as one of those Indians who desired to remain in Mississippi or ever applied to the Commissions of 1837 and 1842 for scrip, the applicant, John Scarborough would have been entitled to land or scrip had his name been registered by his mother, but he testified that he never received any land and thinks his mother never registered, and as applicant herein Leila C. Ferguson has no knowledge as to the compliance of her ancestors with the provisions of Article 14 of the Treaty of 1830 and states that her cousin John Scarborough "would be the only one" likely to know as to the compliance of her ancestors with the provisions of said treaty, it follows that the evidence submitted is insufficient to show such compliance. The records of this office fail to show that any person by the name of of Granny Taylor, or Betsey Scarborough nee Taylor or Hugh Taylor, the ancestors through whom applicants claim, were in anywise beneficiaries under the provisions of Article 14 of the Treaty of 1830. The Commission states that applicant Leila C. Ferguson has the appearance of being a white woman, shows no indication of being possessed of Indian blood and does not speak or understand the Choctaw language.

I am of opinion that the evidence adduced is insufficient to identify Leila C. Ferguson as a Mississippi Choctaw Indian, entitled to claim rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830, and I recommend that the

decision of the Commission of February 2, 1903, denying to her such right, be sustained.

Very Respectfully,

A. C. Tonner,  
Acting Commissioner.

G.R.

L.

M C R 5252

Muskogee, Indian Territory, February 26, 1903.

Leila C. Ferguson,  
Homer, Louisiana.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the decision of the Commission refusing the application made by you for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the fifteen days from February 2, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 17, 1903. On February 18, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR

W.C.F.  
FHE

D.C. 12649-1905. WASHINGTON March 10, 1905.  
I.T.D. 11500-1904.

IRS

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

Gentlemen:

February 18, 1903, you transmitted the record in the Mississippi Choctaw case of Lella C. Ferguson (M.C.I. 5252), including your decision of February 2, 1903, which was adverse to the applicant.

Reporting in the matter November 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of letter is inclosed.

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

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.



M.C.R. 5252

COPY.

Muskogee, Indian Territory, March 18, 1905.

Leila C. Ferguson,  
Homer, Louisiana,

Dear Madam:

You are hereby notified that on the 10th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

Chairman.

M.C.R. 5252

COPY.

Muskogee, Indian Territory, March 18, 1905.

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

Gentlemen:

You are hereby notified that on the 10th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of Leila C. Ferguson as a Mississippi Choctaw, of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

*Lams Dixon*

Chairman.

No. 5432

For Identification as a Mississippi Choctaw.

Meridian Miss. Date 1911 11 1902

Name Lula C. Ferguson

Age 29 Blood 3/8

Post Office

Father: George B. Ferguson d

Mother: Susan d

Claims through

Children.

Stenographer

R. S. Streit

Choctaw MCR 5253

John F. Spring

See MCR 5254

MCR 5253

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

In the matter of the application of John F. Spring, et al.,  
for identification as Mississippi Choctaws, consolidating  
the applications of:

John F. Spring, et al.,           M.C.R. 5253  
Ruble H. Spring,                 M.C.R. 5254

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

|                                                                                                                                        | (Page) |
|----------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of John F. Spring, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----          | 1      |
| Affidavit of A. A. Spring-----                                                                                                         | 9      |
| Joint affidavit of Charles P. Jeff, C. B. Gill,<br>V. L. H. Bates, Mae Wright and I. N. Vernado-----                                   | 10     |
| Certified copy of the marriage license of<br>J. F. Spring and Clotilde Gardner-----                                                    | 12     |
| Affidavit of Clothilde Spring-----                                                                                                     | 13     |
| Affidavit of C. H. Bates-----                                                                                                          | 14     |
| Original application of Ruble H. Spring to the<br>Dawes Commission for identification as a Miss-<br>issippi Choctaw-----               | 15     |
| Affidavit of John S. Spring-----                                                                                                       | 20     |
| Affidavit of W. F. Spring-----                                                                                                         | 21     |
| Affidavit of J. F. Spring-----                                                                                                         | 22     |
| Decision of the Commission refusing the ap-<br>plication of John F. Spring, et al., for<br>identification as Mississippi Choctaws----- | 26     |

5253

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

In the matter of the application of John F. Spring, for the identification of himself and three minor children, Jewel, Myrtis and Vern, as Mississippi Choctaws.

John F. Spring, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John F. Spring.  
Q How old are you? A Forty years.  
Q How much Choctaw blood have you? A I don't know; I think I am one eighth.  
Q What's your post office address? A Osyka, Pike County, Mississippi.  
Q How long have you lived in Pike County, Mississippi? A Seven years.  
Q Where did you live before that? A Louisiana.  
Q What parish? A Washington.  
Q How long did you live there? A That is my native Parish, except - I can't give the exact dates - I left that Parish and spent six years in Texas, but out side of that that was my native home - Washington Parish.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John S. Spring.  
Q Where does he live? A In Washington Parish.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Drucilla Spring.  
Q Through which one of your parents did you derive your Choctaw blood? A My father.  
Q Your mother's a white woman? A Yes, sir.  
Q How long has your father lived in Louisiana? A He has lived in Louisiana all his life.  
Q About how old a man is he? A He is seventy three, I think.  
Q Does he speak or understand the Choctaw language? A He understands some of the most common words, but not very well.  
Q You don't speak and understand the Choctaw language? A Yes, sir, a good deal, but I can't speak to hold a conversation; such as wife, child and such common words I can speak and understand.  
Q Where did you learn that? A The Indians and us have lived together ever since I can remember, and they camp on our premises.  
Q Do any of them live where you do now? A Yes, sir; with my father at my father's old home, Covington and Madisonville, Louisiana.  
Q They are full blood Choctaws, are they? A Yes, sir.  
Q Through which one of his parents did your father get his Choctaw blood, his father, or his mother? A That's a question I can't answer, I don't think. His grand mother was a full blood Choctaw Indian, his grand mother, Mimie Morris.  
Q Was that his mother's mother, or his father's mother? A I can't answer your question.  
Q Her name was what - Mimie Morris? A Yes, sir.

John F. Spring, et al., 2.

Q Do you know where she lived during her life time? A She lived in Mississippi; I am not sure of that though.  
Q Did you ever see her? A No, sir, didn't even see my grand mother, and saw my grand father one time.  
Q Where did they live? A In the upper part of Louisiana, in the Tanjipahoa Parish.  
Q How long have your father and mother been married? A About fifty years.  
Q They have been living together for fifty years? A Yes, sir.  
Q Do you know whether they were married under a license? A Of course, yes sir.  
Q You never saw that license, have you? A I saw a copy of it that my mother has - marriage certificate.  
Q

It will probably be well in this application that you furnish the Commission with evidence of the marriage of your father and mother.

Q Are you married? A Yes, sir.  
Q Wife living? A Yes, sir.  
Q What's her name? A Clothilde.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her then? A No, sir.  
Q Were you married more than once? A No, sir.  
Q Was she ever married more than once? A No, sir.  
Q Have you any children living? A Yes, sir, three.  
Q What are their names and ages? A Jewel Spring.  
Q Boy? A Girl.  
Q How old? A Twelve years old.  
Q Next one? A Myrtis, a girl.  
Q How old? A Eleven.  
Q Next one? A Vera, eight years old, a boy.  
Q Are these three children living with you at this time? A Yes, sir.  
Q Are they all the children of yourself and Clothilde Spring? A Yes sir.  
Q Were you married to Clothilde under a license? A Yes, sir.  
Q Where were you married to her? A I was married to her in Washington Parish at a church by a minister, Person Jenkins, I can furnish you with a copy of the license by mail.

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

Q This application is for yourself and three minor children, is that correct? A Yes, sir.  
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not that I know of. I sent an application for myself, but whether it was ever filed, I can't tell; I never made it in person.  
Q When was that? A It's been about six years ago; I just forwarded

John F. Spring, et al., 3.

it to Texas; I never heard anything more from it at all.

Q Who did you forward it to? A To a lawyer by the name of Poole; J.O. Poole, of Macona, Texas.

Q You don't know whether your application, in fact, was presented to the Commission? A No, sir, I do not. I think it wasn't.

Q Is that the only application of any kind you have ever made?

A Yes, sir, that's the only application of any description.

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

Q Do you understand that 14th article? A Not fully. I saw a newspaper sketch of it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and along the western side of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the 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 west 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 notifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you, now, the 14th article of the treaty of



John F. Spring, et al., 4.

Dancing Rabbit Creek, do you understand it? Tolerably well, yes, sir.

Q What is there about it you don't understand? A Well, the land is promised in this State, and I had thought that it was in the Indian Territory; that's the part I didn't exactly understand. In making application here, is it an application for land in Mississippi or the Territory?

Q The Territory?

The provisions of this 14th article, as to a man getting land, for himself a section, and a half section for children over ten years of age, and a quarter section for children under ten years of age, has reference to Choctaw Indians who lived here in Mississippi seventy one years, and who elected to stay here then and take land here, and not move out to the Nation, and the concluding clause of that 14th article is, persons who claim under this article, that is, to the land here in Mississippi, and elect to stay here and become citizens of the States, shall not lose the privilege of a Choctaw citizen, but if they ever remove, that is, if they ever decide to join the tribe west of the Mississippi River, are not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due to the Choctaws each year by the Government of the United States under treaty provisions.

Q Do you understand that now? A Yes, sir, I think I understand it pretty well.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article, or ever receive any benefits thereunder? A No, sir, they never attempted it that I know anything of, and I am sure as far back as I remember, they never received anything under it.

Q You don't know whether any of your ancestors who might have been living here in the old Choctaw Nation, in Mississippi, seventy one years ago, ever complied or attempted to comply with the provisions of this 14th article, or not? A No, sir, I do not.

Q Do you know whether any of your Choctaw ancestors ever lived here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made? A Yes, I am satisfied that Mimie Morris lived here in Mississippi at that time.

Q Where did she live at that time? A What's called the purchase, I think; I am not sure; I have been told that; I couldn't swear it because I didn't see her there.

Q What do you mean by the purchase? A I don't know; it is some land bought since, and that is just the lawful name it is known by; it was bought by the Government from the Indians, and after that the surrounding country called it the purchase; it is south of here somewhere in Mississippi; it is where quite a village of Indians were at that time.

Q You don't know what county it was in? A No, sir.

Q Did she own an improvement here in 1830, when this treaty was made?

A No, sir, I don't think - I couldn't remember sure, but I am satisfied -- no, she didn't.

Q When did you first hear of this treaty of Dancing Rabbit Creek, Mr. Spring? A Well, now, I couldn't give you the day; I heard it through my brother, I think; he has been in the Territory about

John F. Spring, et al., 5.

ten years.

Q Did you hear it before he went out there? A No, sir, I heard it through him, and know what I know about the business through him.

Q When did you hear it through him? A I suppose about three or four years ago; I couldn't give nothing definite about it.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not as I know of.

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

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.

Q Did you ever hear of any of your people ever having gotten any land from the Government? A They have never received any that I know anything of.

Q Did you ever hear of any of them ever having gotten any money from the Government? A No, sir, they have received nothing so far as I know.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of 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 they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1836 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years, 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowledge; no, sir.

John F. Spring, et al., 6.

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 this land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

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

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

Q Do you know of any deeds or patents, written evidence of any kind, which would prove or tend to prove such a state of facts?

A No, sir, I do not know of any.

Q Have you any witnesses here today to testify in your behalf?

A None except my brother.

Q What's his name? A Ruble Spring.

Q Is he here for the purpose of making application in his own behalf?

A Yes.

Q Have you any written evidence of any kind to offer at this time?

A Yes.

The certificate signed by Charles P. Neff, and five other citizens of Pike County, Mississippi, and vicinity, and the affidavit of A. A. Spring, offered in evidence, identified as Exhibits "A" and "B", respectively, filed and made a part of the record in this case.

If you should find any other witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission here at Meridian, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, no other, because my knowledge is limited, so far as my ancestors is concerned; I know very little about them.

Q Has your father ever made any application of any kind to the Commission? A In '96, he made application.

Q Well, now, did his application go before the Commission in '96?

A I don't know whether it was ever before them -- filed, or what.

Q What did he do with it? A Sent to J. O. Poole with mine.

Q You don't know whether he ever presented it to the Commission, or not? A No, sir, I do not.

John W. Spring, et al., 7.

- Q Your father has not been in the Territory within the last year and a half? A No, sir.
- Q Have you any brothers living? A Three - I have five living.
- Q What are their names? A A.A. Spring, of the Territory, is the oldest; I am next, J.F. Spring, and P.G. Spring is the next, and Bartala Spring is the next, Gloria T. Spring and Roble Spring is the next.
- Q Have you any sisters living? A No, sir.
- Q Did you ever have any sisters? A Yes, sir; they died young, none of them left children.
- Q Have you any brothers dead who left children? A No, sir.
- Q Has your father any brothers living? A Yes, sir, he has two living.
- Q What are their names? A Calmore Spring and Henry.
- Q Where do they live? A In Tangipahoa Parish, Louisiana.
- Q Have they ever made any application of any kind for the purpose of establishing their rights as Choctaw Indians? A They have never personally made any application; they have sent an application, but I don't know whether it has ever presented or not.
- Q When was it sent? A About '96.
- Q To whom? A I couldn't tell you; some lawyer.
- Q Has your father any brothers dead who left children? A Yes, sir, he has brothers dead that left children.
- Q How many? A Three.
- Q What's the name of the oldest? A George.
- Q How many children did he leave? A Six, I think.
- Q Are they all living? A Yes, sir.
- Q What are their names? A William and Mary, Vick and Nettie.
- Q Is she married? A Yes, sir.
- Q What's her husband's name? A Balm.
- Q What's the name of the next one of those children after her? A She's the youngest.
- Q What's the name of the next one of your father's brothers after George? A Jim.
- Q How many children did he leave? A One.
- Q Is that one living now? A Yes, sir.
- Q What's her name? A Maud Madlock; she's in the Territory. She's married and lives in the Territory.
- Q What's the name of the next one of your father's brothers? A Henry.
- Q How many children did he leave? A Two, I think.
- Q Are they living now? A I couldn't tell you, sir; they are in Texas some where.
- Q Did your father ever have any sisters? A Yes, sir.
- Q How many? A Four, I think.
- Q Are any of them living? A Yes, sir.
- Q How many? A Two living.
- Q What are their names? A Alice.
- Q Alice what? A Edwards and Mary Berry.
- Q Where do they live? A Amite City, Tangipahoa Parish, Louisiana.
- Q Did either of your father's deceased sisters leave children? A Yes, sir, one of them Fanny Russell.
- Q How many of her children are living now? A I don't know the exact number; I can name some of them.
- Q Go ahead and name what you can? A Oscar, Lewis, Willie, Hilton; that's all I can name.
- Q Where do they live? A All live near Arnola, Tangipahoa Parish,

John F. Spring, et al., 8.

Louisiana; right in a nest.

Q Have any of these people ever been before the Commission? A No, sir, not personally.

Q You think some of them may have made application in 1896, do you?

A Yes, sir, I do.

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood; he has hazel eyes, fair complexion, but his hair is black; he has none of the features of an Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 14th day of 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 21st day of April, 1902.

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

By *J. M. ...*

Deputy.

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

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

In the matter of the application of John F. Spring, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                         |             |
|-------------------------|-------------|
| John F. Spring, et al., | N.C.R. 5253 |
| Ruble H. Spring,        | N.C.R. 5254 |

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

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by John F. Spring for himself and his four minor children, Jewel,  
Myrtis, Vern and Hazel Spring, and by Ruble H. Spring for himself,  
under the following provision of the act of Congress approved June  
28, 1898 (30 Stats., 495):

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

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 Mimie (or Mamie) Morris, who is alleged to have been a full-blood  
Choctaw Indian, and to have resided in Mississippi in eighteen hun-

dred 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 19, 1896 (29 Stats., 321). It appears however, that up 11- applications for admission to Choctaw citizenship were made to this Commission on September 8, 1896, by the applicants herein, John L. Spring and Rubel H. Spring (his name appearing in said application as Rubel H. Spring), in case No. 792, entitled "John L. Springs, et al., vs. Choctaw Nation"; that on December 3, 1896, the Commission rejected said applicants, from which decision appeal was taken by them to the United States Court for the Central District of Indian Territory, the case being consolidated under the title of: "A. A. Spring, et al., vs. Choctaw Nation", and on July 15, 1897, the decision of the Commission in rejecting said applicants, refusing them admission to Choctaw citizenship, was affirmed and their appeal dismissed.

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 Mimie (or Mmie) Morris, or an

ancestor less remote signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John P. Spring, Jewel Spring, Myrtis Spring, Vern Spring, Hazel Spring and Ruble H. Spring as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

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

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

Muskogee, Indian Territory,

DEC 23 1892.



Miss. Choctaw R5253  
Miss. Choctaw R5254

Muskogee, Indian Territory, June 7, 1902.

John F. Spring,  
Osyka, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of John S. Spring, H. F. Spring, and J. F. Spring, which are offered in support of the applications for identification as Mississippi Choctaws of John F. Spring, et al., and Ruble F. Spring, and the certified copy of marriage license and certificate between J. F. Spring and Clothilde Gardner, offered in support of the application for identification as Mississippi Choctaws of John F. Spring, et al., and the same have been made a part of the records in the above named cases.

Yours truly,

M.C.R. 5253.

Muskogee, Indian Territory, August 23, 1902.

J.F. Spring,

Oayka, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., in which you state that you appeared before the Commission at Meridian, Mississippi, on the 14th of April; and ask to be informed the present status of your case. You also ask to be advised of the "Purpose and Power" of the Citizenship Court recently created by Congress.

In reply, you are advised that the records of the Commission show that you are an applicant for the identification of yourself and three minor children as Mississippi Choctaws, having submitted such application to the Commission at its office at Meridian, Mississippi, April 14, 1902.

No decision has yet been reached nor opinion rendered relative to the right of yourself and children to be identified as Mississippi Choctaws. The Commission is now considering your application, and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary

J F R 2

of the Interior for review.

Relative to that part of your letter asking information concerning the Citizenship Court recently created by Congress, you are advised that an act of Congress approved July 1, 1902, created a court to be known as the Choctaw and Chickasaw Citizenship Court, said Court to have appellate jurisdiction over all judgments of the United States Courts in Indian Territory rendered under the act of Congress approved June 10, 1896, admitting persons to citizenship, or to enrollment as citizens, in either the Choctaw or Chickasaw Nation. This Court has no jurisdiction over applicants for identification as Mississippi Choctaw.

Yours truly,

Acting Chairman.

Miss. Choctaw 5253

Muskogee, Indian Territory, September 17, 1902.

John F. Spring,  
Osyka, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of Hazel Spring, infant daughter of J. F. Spring and Clothilde Spring, born August 27, 1902. The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of such birth, and will be filed with and made a part of the original application of John F. Spring, et al. for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John F. Spring, et al., embracing the following applications for identification as Mississippi Choctaws:

John F. Spring, et al., M.C.R. 5253  
Ruble W. Spring, " 5254

These applications were made under the provision of the act of Congress of June 20, 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 John F. Spring, Jewel Spring, Myrtis Spring, Vern Spring, Hazel Spring and Ruble W. Spring, as Choctaw Indians entitled 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

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

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 28, 1902.

John P. Spring,  
Osyka, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John P. Spring, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| John P. Spring, et al., | H.C.R. 4253 |
| Ruble W. Spring,        | " 5254      |

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John P. Spring, Jewel Spring, Myrtis Spring, Vern Spring, Hazel Spring and Ruble W. Spring, as Choctaw Indians entitled 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 of-

--2--

fice, 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,

*C. D. Ingham*  
Commissioner in Charge.

Registered.



Washington, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

|                         |              |
|-------------------------|--------------|
| John F. Spring, et al., | H.C.P. 5253. |
| Ruble H. Spring,        | H.C.R. 5254. |

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

Respectfully,

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. H.C.R. 5253.

Miss. Choctaw R5253

Muskogee, Indian Territory, November 17, 1902.

J. F. Spring,  
Oayka, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, relative to the decision of the Commission refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and stating that your brother A. A. Spring was admitted to citizenship in the Choctaw Nation about three years ago and enrolled by the Commission. You ask that he be summoned as a witness in your case.

In reply to your letter you are advised that the fifteen days heretofore granted for the submission of argument having expired on November 12, 1902, the record in the case was on November 13, 1902 forwarded to the Secretary of the Interior for review. You are further advised that your application was refused for the reason that there was no evidence of the compliance of your ancestors with the provisions of the fourteenth article of the treaty of 1830. You will be notified in due time of the action taken by the Secretary.

Respectfully,

Acting Chairman.

Land.  
68,346-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington. Jan. 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of John F. Spring, for the identification of himself and his four minor children, Jewel, Myrtis, Vern and Hazel Spring, and of Ruble H. Spring for himself as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 28, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Minnie Morris. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

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

An examination has been made of the records of this office with reference to the name of Minnie Morris, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A.C.Tonner,  
Acting Commissioner.

(EB.H.)

P.

(COPY)

D.C.No. 4305-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington.

ITD.906-1903.

February 7, 1903.

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

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of John F. Spring and his minor children, Jewel, Myrtis, Vern and Hazel Spring; and of Ruble H. Spring; including your decision of October 28, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Mimie (or Mamie) Morris, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mimie Morris or a less remote ancestor complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting in the matter January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your

-2-

decision. A copy of his letter is inclosed.

The Department has carefully reviewed the record in the case and hereby affirms your decision.

Respectfully,

Sincerely,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5253

Muskogee, Indian Territory, February 21, 1903.

John F. Spring,  
Osyka, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John F. Spring, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Chairman.

M.C.R. 5253

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John F. Spring, et al., of which your sister you were advised by mail on the 28th day of October, 1902.

Respectfully,

Wm. C. Mansfield  
Commissioner.



Muskogee, Indian Territory, May 17, 1903.

Received of the Commission to the Five Civilized Tribes copies  
of testimony in the following applications for identification as  
Mississippi Choctaws:

Thomas A. Crudup,  
Mary Ann Weatherbee,  
Polly Farmer,  
Sidney J. Cundiff,  
~~Reuben H. Spring,~~  
Robert H. Mitchell,  
John F. Spring,  
Reuben H. Spring,

M.C.R. 51  
M.C.R. 490  
M.C.R. 4089  
M.C.R. 5014  
~~M.C.R. 5014~~  
M.C.R. 5683  
M.C.R. 5253 ✓  
M.C.R. 5254

Mansfield, McMurray & Cornish,



SEX

AGE

POST OFFICE

RESIDENCE  
DISTRICT

NAME

CARD No.

LETTER TO M. C. R.

*John F. Spring*  
*Chair*

*Consolidated, Cal.*

Names

Names

Mother  
of blood

Mary Frankfurt

John J. Spring  
wife

Luciana Spring

C. A. Spring

John J. Spring's  
wife

Kathleen Spring

W. G. Spring

Barbara Spring

Gloria J. Spring

Rubie H. Spring

Lucy Spring  
Myrtle Spring  
Vera Spring

2010

No. 5253

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Name <sup>Daly</sup> John F. Spring  
Age 40 Blood 1/8

Post Office Calhoun

Father: John J. Spring, Jr. L

Mother: Duvivier " L

Claims through father  
wife Clothilde Spring L  
no claim for wife.

Children:  
Ivone Spring (f) 12  
Myrtis " (f) 11  
Vern " (m) 8

Stenographer R. A. Street

Choctaw MCR 5254

Ruble H. Spring

See MCR 5253

MCR 5254

5254

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washington, Mississippi, April 14, 1906.

In re: Application of Noble H. Spring for  
identification as Chickasaw Indian.

Noble H. Spring, having been first duly sworn, upon his  
oath testified as follows:

Examination by the Commissioner.

- Q What is your name? A Noble H. Spring.  
Q How old are you? A I am nearly 40 years.  
Q How much Chickasaw blood do you have? A My great-grandmother was a  
full blood.  
Q You are 1/8 then? A Yes, sir.  
Q What's your home or office address? A McLaughall Post Office, Washing-  
ton Parish, Louisiana.  
Q How long have you lived in Washington Parish, Louisiana? A All my  
life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John S. Spring.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Drucilla Spring.  
Q Are you a full brother of John S. Spring, who just appeared before  
the Commission? A Yes, sir.  
Q Are you married? A No, sir.  
Q Have you ever been married? A No, sir.  
Q This application is for yours if only? A That's right; yes, sir.  
Q Has your father lived in Louisiana all his life? A Yes, sir.  
Q About how old is he? A Seventy-three, I think.  
Q Through which one of his parents did he get his Chickasaw blood?  
A I think it was on his mother's side.  
Q What was his mother's name? A Mary Franklin before he married  
her.  
Q She, then, was one-half Chickasaw, according to your statement?  
A I guess so; I am mixed up.  
Q Now, through which one of her parents did she get her Chickasaw  
blood? A I can't trace that.  
Q Do you know the names of her parents? A No, sir, I don't know.  
Q Have you ever made any application of any kind before a today  
for the purpose of establishing your rights as a Chickasaw Indian?  
A My application was sent to the Territory; I think it was in '96,  
with the rest of my brothers, and I don't know whether it was ever  
passed or not.  
Q You don't know whether it was presented to the Commission, or  
not? A No, sir.  
Q To whom was your application sent? A To J.O. Poole, an attorney  
of Macoma, Texas.  
Q Did you ever receive any notice from the Commission as to whether  
your application was ever received? A No, sir, not from the Commis-  
sions.

ettle K. Spring, et al., 2.

- Q Is that application in 1896 the only application of any kind that has ever been made for you? A Yes, sir.
- Q Do you appear before the Commission of this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir, I do not.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 21st 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 territory occupied by them here in Mississippi and Alabama to a 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, the 14th article of the treaty was put in the treaty. The 14th article provided that any certain conditions, a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the States shall be permitted to do so by signing his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by section lines of course. In like manner shall be entitled to one-half that quantity for each unmarried child which is living, with life over ten years of age; and quarter section to each child as may be under ten years of age, to indicate 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, grant of the simple shall issue; said reservation shall include the present improvement of the land of the family, and location of it. Persons so claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove and settle elsewhere, shall be entitled to any portion of the Choctaw quality."

- Q Do you understand that 14th article now? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them live here at that time? A That was what year?

Ruble H. Spring,

- Q 1830 - seventy two years ago? A I think Mamie Morris lived here.  
Q Who was Mamie Morris? A It was my father's grand mother.  
Q How much Choctaw blood did she have? A She was a full blood.  
Q Did you ever see her? A Yes, sir.  
Q Know anything about her at all? A No, sir, only what they have proved up - my brother that went through and gave his claim in the Territory.  
Q When did he give his case in the Territory? A He was enrolled in 1896.  
Q What's the name of that brother? A His name is A.A. Spring.  
Q Where did he live? A At the Indian Territory.  
Q Do you know where your great grand father was living in 1830?  
A No, sir.  
Q Do you know whether she or any of her Choctaw ancestors owned an improvement here in the old Choctaw nation, in Mississippi and Alabama, at that time? A No, sir.  
Q Did any of the Choctaw nation ever occupy the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw nation to Indian Territory, between the years 1833 and 1838? A No, that I know of.  
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, get the agent of the Government here in Mississippi for the Choctaws, and that they wanted to stay here and become citizens of the State and take land? A Not that I know of.  
Q Did any of them ever claim or receive any land here in Mississippi, or elsewhere, from the Government of the United States under the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.  
Q Did you ever hear of any of them ever having gotten any money from the Government? A No, sir.

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



Ruble H. Spring, 4.

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

An Act of Congress approved on the 30rd day of August, 1848, provided that in case it should be finally decided that a Chief who had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, and that his land had been sold by the Government, he should be permitted 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, the vacant Government land, and should be given a certificate to that effect. The said Act further provided that

Q Did any of your ancestors ever receive any benefit from the Government under the 14th article of the said Act of Congress? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No, sir, not any of my ancestors as I know of.

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

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

Q Have you any witnesses here today? A No one only my brother, John H. Spring.

Q Have you any other evidence to offer? A No, sir, only what my brother John H. offered in this case; the statements of my brother and the proof that he went through on.

Q

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission at Indian Springs before the 1st of September, and within a reasonable time at the general office of the Commission in Washington, Indian Territory, and their testimony will be taken.

Q Are there any other matters which you want to raise in this case? A No, sir.

Q Do you speak or understand the Choctaw language? A Yes, sir, to a small extent.

Q Well, now, you can't carry on a conversation with a full-blooded Indian in his language, is that right? A No, sir, I can't understand only the subject they are talking about; I can understand the names of things you know.

(The applicant has the appearance of being a white man; his hair is inclined to be light; has hazel eyes.)

Ruble H. Spring, S.

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 Meridian, Mississippi, on the 14th 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 21st day of April, 1902.

*R. S. Strait*  
L. B. Moseley,  
Clerk U.S. District Court,  
Meridian District of Mississippi,

*J. M. ...*  
Deputy.

Miss. Choctaw R5253  
Miss. Choctaw R5254

Puskogee, Indian Territory, June 7, 1902.

John F. Spring,  
Osyka, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of John S. Spring, P. F. Spring, and J. F. Spring, which are offered in support of the applications for identification as Mississippi Choctaws of John F. Spring, et al., and Ruble H. Spring, and the certified copy of marriage license and certificate between J. F. Spring and Clothilde Gardner, offered in support of the application for identification as Mississippi Choctaws of John F. Spring, et al., and the same have been made a part of the records in the above named cases.

Yours truly,

Muskogee, Indian Territory, October 28, 1902.

Huble W. Spring,  
Moungall, Louisiana.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Spring, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Spring, et al., M.C.R. 5253  
Huble W. Spring, " 5254

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 425) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Spring, Jewel Spring, Myrtis Spring, Vern Spring, Hazel Spring and Huble W. Spring, as Choctaw Indians entitled 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

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

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 5254

Muskogee, Indian Territory, February 21, 1903.

Ruble H. Spring,  
McDougall, Louisiana.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John F. Spring, et al., of which decision you were advised by registered mail on the 1st day of October, 1902.

Respectfully,

*James Pickens*  
Chairman.

Muskogee, Indian Territory, May 1, 1903.

Received of the Commissioner to the Five Civilized Tribes copies  
of testimony in the following applications for identification as  
Mississippi Choctaws:

|                                |                        |
|--------------------------------|------------------------|
| Thomas B. Crudup,              | M.C.R. 51              |
| Mary Ann Weatherbee,           | M.C.R. 490             |
| Polly Farmer,                  | M.C.R. 4059            |
| Sidney J. Cundiff,             | M.C.R. 5014            |
| <del>Robert H. Mitchell,</del> | <del>M.C.R. 5253</del> |
| Robert H. Mitchell,            | M.C.R. 5683            |
| John F. Spring,                | M.C.R. 5253            |
| Reuben H. Spring,              | M.C.R. 5254 ✓          |

Manfile 1d, <sup>3</sup> McMurray &  
Cornish,

No 5051

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Ruble A. Spring

Age 23

Blood

1/8

Post Office, McJougall, La

Father: John S. Spring Sr.

Mother: L. Ucella " "

Claims through

Children:

Stenographer

R. S. Strait



Choctaw MCR 5255

Isaac Thomas

MCR 5255

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

-----:-----

In the matter of the application of Isaac Thomas, et al.,  
for identification as Mississippi Choctaws, M. C. R. 5255.

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

|                                                                                                                               | Page. |
|-------------------------------------------------------------------------------------------------------------------------------|-------|
| Original application of Isaac Thomas, et al., for identification as Mississippi Choctaws .....                                | 1     |
| Testimony of Alex Hopkins in behalf of applicants .....                                                                       | 6     |
| Decision of the Commission refusing the application of Isaac Thomas, et al., for identification as Mississippi Choctaws ..... | 9     |

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5255

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Isaac Thomas for  
identification as a Mississippi Choctaw.

Isaac Thomas, having been first duly sworn, upon his oath  
states as follows:

Examination by the Commission.

- Q What is your name? A Isaac Thomas.
- Q How old are you? A I am now forty seven - entering into my forty seventh.
- Q How much Choctaw blood have you? A I have about one quarter Choctaw blood.
- Q What's your post office address? A Meridian, Mississippi; I live in the country from this place, but always came to this office for my mail, for I am not near any other post office.
- Q You live in Lauderdale County? A Yes, sir.
- Q How long have you lived in Lauderdale County? A Thirty seven years.
- Q Where did you live before that? A Choctaw County, Alabama.
- Q How long? A All the days of my life.
- Q Is your father living? A No, sir, he is dead.
- Q What was his name? A Squire Thomas.
- Q Is your mother living? A No, sir.
- Q What was her name? A Amy Thomas.
- Q Through which one of your parents did you get your Choctaw blood? A My father; my father was half Indian; my mother was pure straight out African.
- Q Was your father a slave? A He were not.
- Q Sure of that? A I am sure of it, sir.
- Q Did he speak or understand the Choctaw language? A To some extent, but being very small, I wasn't able to take any of it in about that time.
- Q How do you know he was talking the Choctaw language? A It was different from my mother, and he would say that was his father's language.
- Q How long has your father been dead? A Between something the rise - between thirty five and forty.
- Q How old was he when he died? A I don't know, sir.
- Q About how old? A My witness can tell better.
- Q Give us an idea if you can? A My father, to me - near as I can remember, was a man looked to be to me about between thirty five and forty, near as I can remember. He might have been older; I was a poor judge.
- Q Where was he born? A I don't know, sir.
- Q How long did he live in Choctaw County, Alabama? A For about near fifty years - between fifty and sixty.
- Q I thought you said he was only about forty years old when he died? A I am speaking about from the time when I learned my mother; he come in contact with my mother between fifty and sixty years. You

Isaac Thomas, 2.

see, I am counting from the time of my age, up until now.

Q I asked you how long your father lived in Choctaw County, Alabama?

A Let me tell you know, when I knowed him he was living there, because I was his child.

Q Where did he live before he went there? A Somewhere's in Alabama.

Q Through which one of his parents did he get his Choctaw blood?

A His father.

Q What was his father's name? A Ben Thomas. He has one son how come Qme to know that was my grand father; he named one son after his father.

Q Did you ever see Ben Thomas? A If I did, I was so small I can't remember it.

Q How much Choctaw blood did he have? A Whole Indian; they said he was whole Indian.

Q Where did he live? A His range was from way up in Neshoba down in the swamps of Alabama, for I am told that he passed through there once or twice after my father-come down in there and asked for my mother, and had these four boys up here.

Q Did he have a Choctaw name? A Yes, sir, that was -

Q Did he have a Choctaw name? A No other name that I know but Ben Thomas.

Q You don't know ~~half~~ how old he would be if he were living now?

A No, sir, I have no idea of age.

Q What was your father's mother's name? A I don't know, sir; his mother she was a slave.

Q She was a slave was she? A Yes, sir, I think his mother.

Q You think she was a slave? A I think so.

Q Was Ben married to her? A I don't know, sir.

Q How many children did she have by him? A Just my father. Never even as so much heard him say he had any other relation except his father; that his father come through once or twice and they always admitted at him, he being an Indian.

Q Do you know whether he and your grand mother ever lived together as husband and wife? A No, sir, don't know that.

Q Were your father and mother lawfully married? A Yes, because they said my father asked my old boss the privilege of marrying my mother, because he was a free man and my mother was a slave.

Q How long did your father and mother live together as husband and wife? A I don't know, sir.

Q How many children were born to them? A Well, he has four boys living, and I am not positive, but I think there is some that was between me and one or two others boys that were born at different times, from what I can learn.

Q How long did your father and mother live together husband and wife? A I don't know, sir.

Q About how long? A The witness could better tell; I just can't answer that positively.

Q They were married, if at all, under the slavery custom? A That they were.

Q Are you married? A I am.

Q Is your wife living? A She is.

Q What's her name? A Josephine Thomas.

Q Is she the Josephine Thomas who appeared before the Commission at Meridian, Mississippi, on the 15th day of last February, and made application for the identification of herself and four minor children as Mississippi Choctaws, the children, Laura, Lillie, Ruth and Isaac Jr.? A Yes, sir.

Isaac Thomas, 3.

(See Mississippi Choctaw Card, Field Number R-4797.)

Q Have you any other children besides the four for whom your wife made application? A None by any lawful wife.

Q This application of yours is for yourself alone? A Myself only; yes, sir.

Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A None in my knowledge. None as I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A I do.

Q Do you understand that 14th article? A To some extent.

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, some of the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from 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, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi and not move out to the new nation west of the River, might receive land here in Mississippi from the Government. It is as follows:

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

Isaac Thomas, #4.

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

Q Did any of your ancestors, or fore-fathers, ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A None as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A None as I know of.

Q Did any of them, in fact, live here at that time? A They did.

Q Who? A My father and mother; that is, my grand father were here at that time.

Q That's Ben Thomas? A yes, sir.

Q Where did he live here at that time, nearly seventy two years ago? A He doubtless lived in Mississippi, because he ranged from - what my older people, my mother and father, talked, that he was doubtless here, because he was seen about that time; the father of my father became the father of my father, and he could not have become the father of my father until about that time.

Q Well, do you know where he lived at that time? A Only from circumstances and evidence that he was the father of my father and being - and my mother being in Choctaw at that time.

Q In Choctaw county, Alabama? A Yes, sir, about that time; that is, you may say some ten years after that time, and then he became the husband of my mother near about that time, and it's been near upon sixty years since he married my mother, and I have stated - and he doubtless must have been in Mississippi or in Alabama to become the father of my father, because my father married my mother say about ten years after the treaty was; the circumstantial evidence I have to get up --

Q Did any of your Choctaw ancestors who might have been living here at the time the treaty was made 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 I think not, because my grand father, way long after the treaty, passed through Choctaw some once or twice.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A None as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A None as I know of.

Q Did any of your people ever get any land from the Government to your knowledge? A To my knowledge, none.

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

Isaac Thomas, 5.

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, 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 None as I know of.

Q

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A None as I know of.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts - that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Well, I probably could through my older white people on my mother's side of the house; probably by thorough investigation find out whether or not my father ever received anything like that, but as for his father, we don't hardly think that he did, because they never acquainted my father with anything of that kind.

Q I asked you if you knew of any written evidence which would prove such a state of facts? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I have one witness here.

Q What's his name? A Alex Hopkins.

Q Is he any relation to you? A No relation.

Q How old is he? A Mighty one.

Isaac Thomas, 6.

Q What do you expect to prove by this witness? A Of my father's Choctaw blood; what he knowed of his father; whether he ever seen him, or not.

Q He doesn't know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I never asked him whether he did or not.

Q That all the witnesses you have? A All the witnesses, yes, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Any brtthers living? A I have three brothers living besides myself.

Q What are their names? A Adam, Ben and Peter.

Q Where do they live? A One lives at the old home in Choctaw County, Alabama, and the other two lives in this County.

Q Which one lives in Choctaw? A Adam, the older one.

Q Has any one of these brothers been before the Commission? A Never has, unless they have held in Alabama, and he has not acquainted me of the fact.

Q Have you any sisters? A No sisters.

Q Have you any brothers or sisters dead who left children? A No, sir, got sisters dead, but no children living.

Q Did your father ever have any brothers or sisters? A None as I heard him say; I never heard him say anything about any one but his father and his mother.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood largely predominates; his features and facial expressions are those of a negro; he does not speak or understand the Choctaw language.)

(Applicant Excused.)

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

Examination by the Commission.

Q What is your name? A Alex Hopkins.

Q How old are you? A Eighty one years old.

Q What's your post office address? A I have none.

Q Don't you ever get any mail? A No, sir. I live about a mile and a half from Meridian; I would get my mail at Meridian.



Isaac Thomas, 7.

- Q How long have you lived in Lauderdale County? A About thirty years.
- Q Where did you live before that? A Down in Choctaw County, Alabama.
- Q How long did you live there? A Twenty some odd years.
- Q Where did you live before you went there? A I came from North Carolina.
- Q How long before the Civil War was it that you came to Choctaw County, Alabama? A Well, I was in Choctaw when the Civil War was.
- Q How long had you been there then? A I disremember the number of years I had been there; I was a slave, you know, and I didn't keep no count.
- Q You have no Choctaw blood? A No, sir.
- Q Are you acquainted with this applicant, Isaac Thomas? A Mighty well; I knowed his father before he was born.
- Q You have known this man all his life, then? A Yes, sir.
- Q What was his father's name? A Squire Thomas.
- Q How long has Squire been dead? A Well, I don't know, sir; don't recollect at all.
- Q About how long? A All of thirty years, I am satisfied.
- Q How long before he surrendered was it that he died? A He died before the surrender, because I was one that hoped to wait on him when the last breath was about to leave his body, and I wasn't free then, myself.
- Q Well, about how old a man was he when he died? A Never did hear him tell his age.
- Q Do you think he was older or younger than you? A I think he was younger.
- Q Well, did he have any Choctaw blood? A He was part Injun.
- Q How much Indian blood did he have? A He said his father was half Injun.
- Q Do you understand the Choctaw language? A No, sir.
- Q Did Squire Thomas understand it? A I don't know, sir, because I never did hear him talk it.
- Q How long did he live there in Choctaw County, Alabama? A Some fifteen or sixteen years.
- Q Where did he come from to that county? A Livingston, Alabama.
- Q What county? A Sumter.
- Q How long did he live up in Sumter County? A I don't know.
- Q Do you know where he was born? A No, sir.
- Q Were you acquainted with his father, Squire Thomas? A I was; I saw him; I wasn't personally acquainted with him.
- Q How did you know it was his father? A He said it was his father; his father claimed him.
- Q What was his name? A I disremember what his name was? A .
- Q Did he have any Choctaw blood, this man that Squire claimed was his father? A He looked like an Injun is all I know.
- Q You don't know how much Choctaw blood he had? A No, sir.
- Q Did he speak or understand the Choctaw language, do you know? A I don't know, sir.
- Q How many times did you ever see him? Two. The second time he come there, his son stayed there and finally married a woman that belonged to my old boss, and got these four boys by her.
- Q That's his son, Squire? A Yes, sir.
- Q Did Squire's father ever live in Choctaw County? A Not that I know of.
- Q Do you know where he lived? A No, sir.
- Q Did you know Squire's mother? A No, sir.

Isaac Thomas, 8.

- Q Do you know whether this Indian, whom Squire claims was his father, was married to his mother, or not? A I don't know sir; I don't know anything about it.
- Q Do you know whether they ever lived together as husband and wife? A I don't know that, either.
- Q Did she ever have any other children by him? A I don't know, sir.
- Q Was Squire's mother a slave? A Well, I never heard him say.
- Q He was a slave - Squire was? A No, sir, he come down in our part of the country and stayed there until he was married.
- Q And was a free man? A Yes, sir.
- Q Do you know the name of his wife, - Squire's wife? A Yes, sir, her name was Any.
- Q You were acquainted with her? A Yes, sir.
- Q She was a slave? A Yes, sir.
- Q Was he married to her? A Yes, sir, he was married to her.
- Q How, under a license, or according to the custom among slaves? A They didn't get no license in them days.
- Q Were you there when he was married to this girl? A I wasn't at the house; I was there.
- Q Do you know whether this Indian, whom Squire Thomas claims was his father, ever owned an improvement here in Mississippi? A Never that I knowed anything about.
- Q Do you know where he lived, in fact? A No, sir.
- Q Don't know a thing about where he lived? A No, sir.
- Q Do you know anything about him, except what Squire told you he was his father? A Yes, sir, that's all.
- Q Never saw him but twice? A No, sir.
- Q Did he look to you like a full blood Indian? A Yes, sir, he did.
- Q His hair was long, straight, and black and coarse.

(The witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th 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 22nd, day of April, 1902.

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

By *J. M. K.*

Deputy.

*T. G. D.*  
*C. O. W.*

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

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In the matter of the application of Isaac Thomas, et al.,  
for identification as Mississippi Choctaws, N. C. R. 8255.

DE C I S I O N .

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by Isaac Thomas for himself under the following provision of the  
act of Congress approved June 28, 1898, (30 Stats., 495):

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

It appears from the record herein that this applicant is  
the father of the following minor children: Laura, Lillie, Ruth  
and Isaac Thomas, Jr., who have been applied for as Mississippi  
Choctaws by their mother, Josephine Thomas, in application numbered  
N. C. R. 4797.

It also appears from the testimony that this applicant  
was born of a slave mother prior to the Emancipation Proclamation,

and that the minor children above set forth are his lineal descendants; and it does not appear from the records in the possession of the Commission that he 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., 581).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Isaac Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas, Jr., as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

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

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

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

Muskogee, Indian Territory,

DEC 6 1902

Muskogee, Indian Territory, December 6, 1908.

Isaac Thomas,  
Meridian, Mississippi.

Sir:

You were duly advised by letter dated August 25, 1908, that the Commissioner of the Interior has rendered a decision in the case of Isaac Thomas, et al., applicants for identification of Mississippi Choctaw lands.

This application is made under the provision of the act of Congress of June 28, 1898 (30 Stat., 103), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians of Indian descent in the Choctaw lands under article 14 of the Treaty between the United States and the Choctaw Nation, signed at Washington, D.C., August 7, 1832, and to issue to such Indians, as determined by said Commission, such patents and other documents as may be necessary to carry out the intent of the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of the Commission that under the provision of law above quoted no freedom is entitled to identification as a Choctaw Indian, and that the application of Isaac Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas, et al., as such Choctaw, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Isaac Thomas-2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Thomas, 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., 445).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above cited no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Isaac Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas, Jr., as such should, therefore, be refused, and it is so ordered."

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

Respectfully,

James H. Murray,  
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 Isaac Thomas, 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 in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Inc. M.C.R. 5255.



(COPY)

Land  
76202--1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
WASHINGTON,

March 27, 1903.

The Honorable ,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Isaac Thomas for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from Ben Thomas who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through his son Squire Thomas, the father of the applicant. It appears from the record that this applicant is the father of the children who were applied for as Mississippi Choctaws by their mother, Josephine Thomas, in application numbered M.C.R.4797.

The Commission rejected the applicant December 6, 1902, because he was born of a slave mother prior to the Emancipation Proclamation, and for the additional reason that he has never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office discloses

the fact that the name of Ben Thomas, or of Squire Thomas, does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

Neither does it appear that they applied to the Commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

(Signed)

A. C. Tonner,  
Acting Commissioner.

C.T.C.(S)

(COPY)  
32242.

D.C.No.15847-1903.

W C F

DEPARTMENT OF THE INTERIOR.  
Washington.

ITD. 3330-1903.

RAF.  
May 21, 1903.

L. R. S.

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 Isaac Thomas and his minor children, Laura, Lillie, Ruth and Isaac Thomas, Jr., including your decision of December 6, 1902, refusing the application. It appears that the principal applicant and his mother were slaves prior to the Emancipation Proclamation, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The principal applicant claims to be a one-fourth blood Choctaw Indian, and claims rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Ben Thomas, through his son, Squire Thomas, father of the principal applicant, it being alleged that they were Choctaw Indians and residents of the Choctaw Nation in Mississippi in 1830.

The evidence fails to show that Ben Thomas or Squire Thomas ever complied or attempted to comply with the provisions of article 14 of said treaty or with the provisions of article 14 of said treaty or with the subsequent acts of Congress relating thereto.

The records of the Indian Office fail to show that any one by the name of Ben Thomas or Squire Thomas complied or attempted to comply with said article or acts.

Reporting March 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department has carefully reviewed the record, and hereby affirms your decision in so far as it refuses the application.

Respectfully,

(Signed)

THOS. RYAN.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory July 17, 1903.

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

Gentlemen:

You are hereby notified that on the 21st 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 Isaac Thomas et al., of which decision you were advised by mail on the 6th day of December 1902.

Respectfully,

G.M.D.

*E. D. Meadler*  
Commissioner in Charge.

N C R 5255

Muskogee, Indian Territory, July 17, 1903.

Isaac Thomas,  
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 21st 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 Isaac Thomas et al., of which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

*F. B. Needles*  
Commissioner in Charge.

2012

No. 5255

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

Name Isaac Thomas

Age 40 Built 74

Post Office Meridian, Miss

Father George Thomas d

Mother Amy Thomas d

Claims through father

Children:

Father's father Mr. Thomas d

Stenographer R. D. Street

Choctaw MCR 5256

Adline Morrison

See MCR 5261

MCR 5256



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

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

Adline Morrison, et al.,           M.C.R. 5256  
Lillie Gay Haywood, et al.,       "     5261

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

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List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Adline Morrison, et al., M.C.R. 5256.

|                                                                                                                                                                          | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Original application of Adline Morrison, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -                                           | 1    |
| Ex parte affidavit of Fannie Ford, - - - - -                                                                                                                             | 8    |
| Original application of Lillie Gay Haywood, et al., for identification as Mississippi Choctaws, to the Dawes Commission, - - - - -                                       | 9    |
| Decision of the Commission refusing the applications in the consolidated case of Adline Morrison, et al., applicants for identification as Mississippi Choctaws, - - - - | 14   |

5254

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Adline Morrison for the identification of herself and six minor children, Jonah, Mary, Lizzie, Jarret, James and Lillian, as Mississippi Choctaws.

Appearances:

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

Adline Morrison, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Adline Morrison.  
Q How old are you? A I am forty eight years old in this year some time.  
Q How much Choctaw blood have you? A My grand father, he was half Indian; I got my blood from my mother.  
Q Your mother's father was half Indian? A Yes, sir.  
Q You Choctaw blood just comes on one side of the family? A On my side.  
Q I say your mother's father, your mother, and you? A Yes, sir.  
Q That would make you one eighth Choctaw? A Yes, sir.  
Q What's your post office address? A Yazoo City, Mississippi.  
Q How long have you lived in Yazoo County? A I have been in Yazoo County nine years the fifth of this past February.  
Q Where did you live before you went there? A In Carroll County.  
Q How long did you live in Carroll County? A Bred and born in Carroll County.  
Q Were you a slave? A Yes, sir, born a slave.  
Q Is your father living? A No, sir, my father's dead.  
Q What was his name? A Prince Saffold.  
Q Is your mother living? A No, sir.  
Q What's her name? A Malinda Saffold.  
Q You get your Choctaw blood through your mother solely? A Yes, sir.  
Q She was a slave was she? A Yes, sir.  
Q How old would she be if she were living now? A If my mother was living now, she would be way up in sixty, for when she died she was the mother of eleven children, and she was born in eighty.  
Q Did she live in Mississippi all her life? A All her entire life in Holmes County; she died there.  
Q Did she live in this State all her life? A Yes, sir.  
Q She got her Choctaw blood through her father? A Yes, sir.  
Q What was his name? A Alex Kade.  
Q Did you ever see him? A I should smile; he just died about four years ago.  
Q How old was he when he died? A Ninety five years old; he lived a good old man. My grand father would be ninety five years old.

Adline Morrison, et al., 2.

- Q Was he a slave, Alex? A He was a slave, but his father --
- Q I asked about him? A Yes, sir.
- Q Did he live here in Mississippi all his life? A Yes, sir, all his life.
- Q What was your mother's mother's name? A My mother's mother's?
- Q Yes? A Her name was Myra.
- Q She was a slave, was she? A Yes, sir.
- Q Was Alex married to her? A Well, you know how people married before I was born.
- Q In Slave time? A Yes, sir.
- Q How long did they live together? A They lived together until my great grand mother died; I don't know how many years they lived together; I couldn't tell.
- Q How many children were born to them? A My mother was one of the children, and one named Mary, and one named Emily. There wasn't any boys.
- Q Well, now through which one of his parents did Alex get his Choctaw blood? A His father.
- Q What was his name? A His father was named Frank.
- Q What? A He never did know nothing but Frank.
- Q Did you ever see him? A No, sir, never did, see him.
- Q How much Choctaw blood did he have? A His daddy always claimed his father was a Choctaw Indian, my grand father, but I never did see my great grand father.
- Q He claimed your great grand father, Frank, was a full blood Choctaw? A Yes, sir.
- Q Where did he live during his life time? A He lived in Kemper County.
- Q How do you know that? A Our daddy always told us our great grand father was in Kemper County.
- Q Did your mother speak the Choctaw language? A I used to see my mother make mention of the Indian language.
- Q Could she talk to the Indians in their language? A She could speak some of the words; she used to tell me.
- Q Could your mother's father speak the Choctaw language - Alex speak and understand it? A Yes, sir, my grand father.
- Q So far as you know, have all of your Choctaw ancestors always lived here in Mississippi, have they? A Yes, sir, so far as I know.
- Q Are you married? A No, sir, not now; I have been married; my husband's dead.
- Q Did your husband have any Choctaw blood? A Yes, sir.
- Q How much? A Well, my husband had one eighth Choctaw blood, the way you get at it, because my husband's mother was named Angeline Morrison, and my husband was named for his father; my husband was named after my father.
- Q That doesn't have anything to do with his Choctaw blood? A Yes, sir, that's Choctaw blood.
- Q What was your husband's name? A Jacob Morrison.
- Q Did he live in Mississippi all his life? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q Through which one of his parents did he get his Choctaw blood?
- A His mother.
- Q What was her name? A Angeline Morrison.
- Q Did Angeline live here in Mississippi all her life? A Yes, sir.
- Q Through which one of her parents did she get her Choctaw blood? A Her father.

Adline Morrison, et al., 3.

- Q What was his name? A Harry.
- Q Harry what? A I never did know nothing but Harry.
- Q How much Choctaw blood did he have? A Always said old man Harry was an Indian.
- Q Did you ever see him? A No, sir.
- Q Where did he live? A He lived in Holmes County.
- Q All his life? A So far as I ever heard of.
- Q What was your husband's mother's mother's name? A I don't know that I know my husband's mother's mother's name.
- Q Did your husband's mother ever have any brothers or sisters? A My mother in law had one sister; her name was Sidney.
- Q Was she a full sister to your husband's mother? A Yes, sir, full sister to Angeline Morrison.
- Q Do you know whether this man, Harry, was married to your husband's mother's mother? A No, sir, couldn't have been married; that was in a slavery time, and there wasn't no liveness issued then.
- Q Do you know how long they lived together? A No, sir.
- Q Don't know anything about that? A No, sir.
- Q Have you any children living who are under age and unmarried?  
A Yes, sir.
- Q How many? A I have got six.
- Q What are their names and ages? A Jonah.
- Q How old? A Nineteen.
- Q Next? A Mary, eighteen.
- Q Next? A Lizzie, seventeen.
- Q Next? A Jarret, fourteen.
- Q Next? A James, thirteen.
- Q Next? A Lillian, eight.
- Q Is that all? A Yes, sir.
- Q They are all living with you at this time? A All but Jonah; he is in Memphis.
- Q Is he married? A No, sir, he was going to school.
- Q Well, are these children, all the children of yourself and Jacob Morrison? A Yes, sir.
- Q This application is for yourself and six minor children? A Yes, sir.
- Q Have you ever made any application of any deception before today for the purpose of establishing your rights and the rights of these children as Mississippi Choctaws? A No, sir.
- Q No application before today? A No, sir.
- Q Has any one else ever made an application for you to your knowledge?  
A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek, for yourself and six minor children? A Tell me what you mean by that Rabbit Creek.

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

Adline Morrison, 4.

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 and not move out to the new nation, what is known as the 14th article was put in the treaty. The 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 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; he like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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? A Yes, sir, I can hear it all I understand it, yes, sir.

Q Did any of your ancestors, your fore-fathers, ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir.

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

Q Did any of them live here at that time, seventy one years ago, or more? A Yes, sir.

Q Who? A My grand father was here. He was older than that.

Q Who was that? A Alex Kade .

Q Where did he live seventy one years ago? A He lived in Holmes County, and died there. He lived here more than seventy one years ago.

Q Any of your ancestors live here? A Yes, sir, Angeline Morrison.

Q That was his mother? A My husband's mother? A

Q Would she be seventy one years old, if she were living now? A She would be older than that.

Q Where did she live seventy one years ago? A Up here in Holmes County, and she died on the swamp here.

Q Did any of your ancestors, or any of your ~~husband's~~ husband's ancestors remove to the present Choctaw Nation, in Indian Territory, at the

Adline Morrison, et al., 5.

time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1837 and 1842? A No, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A No, sir, because they didn't know nothing about it.

Q How do you know? A Because they didn't.

Q You don't know about it, do you? A Them old people never knowed nothing about it, and we never heard about it.

Q Did any of your ancestors, or any of your husband's ancestors, ever get any land here in Mississippi from the Government of the United States? A No, sir, none of them.

Q You are sure of that, are you? A Yes, sir, I am sure of that.

Q Did you ever hear of any of them ever getting any money from the Government? A No, sir.

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

Q Did any of your ancestors or any of your husband's ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A No sir, they did not.

Q Sure of that, are you? A Yes, sir, sure of that.

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 provis-

Adline Morrison, et al., 6.

ions of this 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your husband's ancestors, ever get any of this scrip from the Government of the United States?  
A No, sir, never did get any scrip.

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 husband's ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with this treaty provision? A I don't know whether any body would know about it. What you mean, anyone?

A I want to know whether you know of any old persons living now who would know whether any of your people here seventy one years ago ever complied with this treaty provision, or not? A Yes, sir, an old lady in Holmes County, named Fannie Ford.

Q How old is she? A She is eighty two years old.

Q What does she know about this? A She knowed all of my fore parents

Q Does she know whether any of them ever complied with this treaty provision, or not? A Yes, sir, she knowed they never did, because she never heard about it.

Q How do you know she knows anything about that? A Well, if she ever heard anything like that, we younger children would have heard it. If they comply an' the old folks, it would work down to the young ones.

Q She is the only one would know anything about it? A Yes, sir.

Q Have you any witnesses here today? A Ain't got none at all.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

QQ Have you any written evidence to offer at this time? A Yes, sir

The affidavit of Fannie Ford is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q That all the written evidence you have? A Yes, sir.

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

Adline Morrison, et al., v.

- Q Have you any brothers living? A Yes, sir.  
Q How many? A Five.  
Q What are their names? A My older brother is named Anderson Saffola.  
Q Where does he live? A In Holmes County.  
Q Has he ever been before the Commission? A No, sir.  
Q What's the name of your next brother? A Wilson Saffold.  
Q Next one? A Lem.  
Q Next? A Jacob Saffold.  
Q Next? A Longano, my baby brother.  
Q That's all of your brothers? A Yes, sir.  
Q How many sisters have you living? A One.  
Q What's her name? A Rachel Jones.  
Q Have you any brothers dead who left children? A No, sir.  
Q Any sisters dead who left children? A One sister dead, left one little boy.  
Q Boy living now? A Yes, sir.  
Q Is he living now? A Willie Holmes.  
Q Who does he live with? A My brother, Anderson.  
Q Are any of your mother's brothers or sisters living? A Yes, sir, my mother's got brothers living.  
Q What are their names? A She's got a brother named Alex Wade, for his father, and she's got a brother named Lem.  
Q Next one? A Gilford Wade.  
Q Next? A Felin Wade.  
Q Next one? A She's got a sister named Mary, I couldn't tell her husband's name, but she's a Mary.  
Q Has she any more sisters? A No, sir, aint no more.  
Q Has your mother any brothers or sisters who left children? A My mother aint got no brothers dead.  
Q Has she any sisters dead? A Well, not that I know of.  
Q Have you any married children? A Two.  
Q What are their names? A Lillie Mae Inwood.  
Q Next one? A Malinda Gee.  
Q Have you any children dead? A Myself?  
Q Yes? A I have got three dead children.  
Q Did any one of them leave children? A Oh! no, sir.

(The applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood largely predominates. She has the features and facial expressions of a negro; does not speak or understand the Choctaw language.)

R. H. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above cause on April 15, 1902, and that the 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 22nd day of April, 1902.

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

By *Maxwell*

Deputy.



J.W.L.  
Cov.

COPY.

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

-----;-----

In the matter of the application of Adline Morrison,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Adline Morrison, et al.....M.C.R. 8226  
Lillie Gay Haywood, et al.....M.C.R. 8261.

**--: 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 Adline Morrison for herself and her six minor children,  
Jenah, Mary, Lissie, Jarret, James and Lillian Morrison, and by  
Lillie Gay Haywood for herself and her minor child, Protha Haywood,  
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 the principal applicant herein 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 Alex Kade and Frank, the former of whom is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty, and the latter to have been a full blood Choctaw Indian, and of Prince Saffold, who is alleged to have been an one-half blood Choctaw Indian; that all the other applicants herein claim said rights by reason of being descendants of the above named ancestors, and of Angeline Morrison, who is alleged to have been a three-fourths blood Choctaw Indian, and Harry, who is alleged to have been a Choctaw Indian, degree of blood not stated.

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

It is further found that the name Farry appears on page 273 of the Claimants Brief and Evidence, in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12,742

in a list of cases proved before Commissioners Murray and Mason, wherein the claimants are members of Captain Chis-he-ho-ma's Company, said name being that of the deceased child of Puthkin-tubbee, who, at the date of the treaty, was over ten years of age, but there is nothing in the testimony submitted by the applicants which tends to show that the Harry through whom the claim is identical with the Harry mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alex Wade, or Frank, or Prince Saffold, or Angeline Morrison, or the Harry through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1847 (9 Stats., 915).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adline Morrison, Jonah Morrison, Mary Morrison, Lizzie Morrison, Jarret Morrison, James Morrison, Lillian Morrison, Lillie Bay Haywood and Protha Haywood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article four-

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

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

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

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

Muskogee, Indian Territory,

JAN 7 1903  
\_\_\_\_\_

MCR 5291, 5268,  
4880, 4821, 4822,  
4812, 5287, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Choctaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5266

Fannie D. Cessor et al., M C R 4880  
Daisy McChes et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Dook Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5287

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in this consolidated

L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Shone, Indian Territory, January 7, 1903.

Chief of Police, Oklahoma,

Attorneys for the Choctaw and Chickasaw Nations,  
Sault Ste. Marie, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commissioner of the Territory, in his decision in the consolidated case of *Albina Morrison, et al.*, embracing the following applications for identification as Chickasaw Indians:

Albina Morrison, et al. D.C.R. 5256  
Minnie May Hayward, et al. D.C.R. 5261

Said applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of the Commissioner that the evidence herein is insufficient to determine the identity of Albina Morrison, John Morrison, Mary Morrison, Minnie Morrison, James Morrison, James Morrison, Millie Morrison, Minnie May Hayward and Letta Hayward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eight 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

H. COM. & C. --2

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

Respectfully,

  
Acting Chairman.



U.C.R. 5256

Jackson, Indian Territory, January 7, 1903.

J. A. Beadle,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Adline Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Adline Morrison, et al. U.C.R. 5256  
Lizzie Gay Laywood, et al. U.C.R. 5001

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adline Morrison, Jona Morrison, Mary Morrison, Lizzie Morrison, Jaret Morrison, James Morrison, Lillian Morrison,

S. A. Leadle,--2

Milie Gay Haywood and Protia Haywood as Choctaw Indians entitled 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,

Acting Chairman.

Registered.

L.C.R. 5250

Muskogee, Indian Territory, January 7, 1907.

A. F. Johnson, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of January, 1907, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Adline Morrison, et al., embracing the following applications for identification of Missions of Choctaws:

Adline Morrison, et al. L.C.R. 5250  
Billie Gay Baywood, et al. L.C.R. 5251

These applications were made under the provision of the act of Congress of June 20, 1906 (34 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming title in the Choctaw lands under Article Fourth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to treat and pay said Indians, examine witnesses and perform all other acts necessary thereto and make reports to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adline Morrison, Jonah Morrison, Mary Morrison, Lizzie Morrison, Jarret Morrison, James Morrison, William Morrison,

A. W. Jones, --2

Willie Gay Haywood and Protha Haywood as Choctaw Indians entitled 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 the argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

L.C.R. 5336

uskonee, Indian Territory, January 7, 1903.

Adline Morrison,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Adline Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Adline Morrison, et al. L.C.R. 5336  
William Ray Raymond, et al. L.C.R. 5331

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adline Morrison, Jonah Morrison, Mary Morrison, Lizzie Morrison, James Morrison, James Morrison, Lillian Morrison,

Adline Morrison,--3

Lillie Gay Haywood and Protha Haywood as Choctaw Indians entitled 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.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Adline Morrison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

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

Adline Morrison, et al.....M.C.R. 5256  
Lillie Gay Haywood, et al.....M.C.R. 5261.

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

Respectfully

Through the Commissioner

Enc. Of Indian Affairs.  
M.C.R. 5256

Acting Chairman.

1 1  
-:- C O P Y -:-

Land.

6142-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the report of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons wherein a decision adverse to the applicants was rendered by the Commission on January 7, 1903.

Adeline Morrison, for herself and six children, Jonah, Mary, Lizzie, Janet, James and Lillian Morrison, and by Lillie Gay Haywood, for herself and child Protha Haywood.

It appears from the evidence in this case that the applicants make their claim to identification by reason of their descent from Frank, Alex Kade, Harry and Angeline Morrison, who, it is alleged, were citizens of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Alex Kade, Frank, Prince Saffold, Angeline Morrison or Harry, ever complied or



-:- 2 -:-

attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Frank, Alex Kade, Harry and Angeline Morrison, are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r

3 enclosures.

(COPY)

D.C. 7635

DEPARTMENT OF THE INTERIOR.

IAF.

I.T.D. 1716-1903.

WASHINGTON.

L.R.S.

March 14, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 23, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Adline Morrison and her minor children, Jonah, Mary, Lizzie, Jarret, James and Lillian Morrison, and of Lillie Gay Haywood and her minor child, Protha Haywood, including your decision of January 7, 1903, refusing the application.

The applicants trace their Choctaw blood from Alex Kade, Frank, Prince Saffold, Angeline Morrison, or Harry, all of whom are alleged to have been possessed of Choctaw Indian blood.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). Reporting February 14, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms the decision rendered.

Respectfully,

F. L. Campbell,

1 inclosure.

Acting Secretary

R.C.N. 3286

Muskogee, Indian Territory, March 24, 1903.

Adline Morrison,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Adline Morrison, et al., of which decision you were advised by registered mail on the 7th day of January, 1902.

Respectfully,

Chairman.

M.C.R. 5256

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Adline Morrison, et al., of which decision you were advised by mail on the 7th day of January, 1902.

Respectfully,

Chairman.

M.C.R. 5256

Muskogee, Indian Territory, March 24, 1903.

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

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Adline Morrison, et al., of which decision you were advised by registered mail on the 7th day of January, 1902.

Respectfully,

Chairman.

M. C. R. 5256

Muskogee, Indian Territory, March 24, 1903.

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

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Adline Morrison, et al., of which decision you were advised by registered mail on the 7th day of January, 1902.

Respectfully,

Chairman.

Ph to  
Lump 1200

Frank

John

Alex Kade, <sup>deas</sup> <sub>slave</sub>  
wife  
Myra

Mary Kade

Emily Kade

Alex Kade

Levi Kade

Gilford Kade

Felix Kade

Malinda Kade  
married

Primo Saffold

Harry

Angelina Morrison

Sidney

Anderson Saffold

Saffold, D  
married  
Holmes

Wilson Saffold

Levi Saffold

Jacob Saffold

Lengene Saffold

Adeline Saffold 48/8  
planned

married

Jacob Morrison 16  
dear

Wallie Holmes

Lillie Gay Morrison  
married 28/8

Joe Haywood

Malinda Morrison  
married Joe

Jonah Morrison 19

Mary Morrison 18

Lizzie Morrison 17

Jarret Morrison 14

James Morrison 13

Lillian Morrison 8

Pratha Haywood, 3m.



No 5000

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date

Name Adeline Morrison

Age 48 Blood 48

Post Office Yazoo City Miss

Father: Prince Saffold d

Mother: Malinda " d

Claims through mother

Husband Jacob Morrison (d)

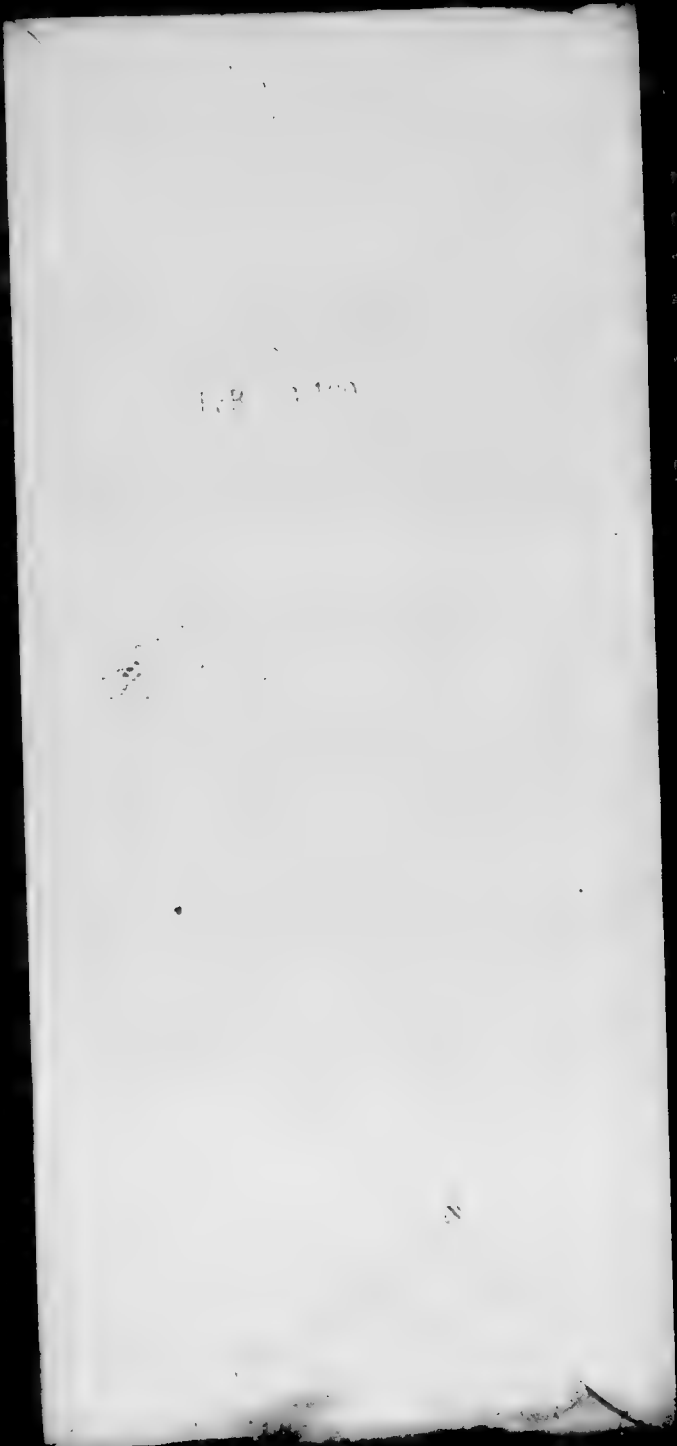
Children:

- Jonah Morrison 19
- Mary " 18
- Lizzie " 17
- Garret " 14
- James " 13
- Lillian " 8

Mother's father Alex. Crade d

Stenographer

N. S. Street



752  
245

Notices in 45  
never came for



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

280

~~Adline Morrison,~~  
~~Yazoo City, Mississippi.~~

Disclaim

Choctaw MCR 5257

Bettie Martin

See MCR 5259, 5258, 5433  
5434

MCR 5257

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

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In the matter of the application of Bettie Martin, et al.,  
 for identification as Mississippi Choctaws, consolidating the appli-  
 cations of -

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | " 5259      |
| Lizzie Moseley, et al., | " 5288      |
| Emma J. Tucker, et al., | " 5433      |
| Hattie Griffin, et al., | " 5434      |

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 ----- I N D E X -----  
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List of papers forwarded to the Secretary of the Interior, comprising  
 the record in the case of Bettie Martin, et al., M.C.R. 5257.

|                                                                                                            | Page |
|------------------------------------------------------------------------------------------------------------|------|
| Original application of Bettie Martin, et al.,<br>for identification as Mississippi Choctaws, - - - - -    | 1    |
| Ex parte affidavit of Mary Ann Eliza Wyncoff, - - - - -                                                    | 7    |
| Ex parte affidavit of Emeline Collier, - - - - -                                                           | 8    |
| Original application of Missouri Baker, et al., for iden-<br>tification as Mississippi Choctaws, - - - - - | 9    |
| Original application of Lizzie Moseley, et al., for iden-<br>tification as Mississippi Choctaws, - - - - - | 12   |
| Original application of Emma J. Tucker, et al., for iden-<br>tification as Mississippi Choctaws, - - - - - | 16   |
| Ex parte affidavit of L. T. Miller, - - - - -                                                              | 20   |
| Power of attorney given by Emma J. Tucker to M. J. Tucker,                                                 | 21   |
| Original application of Hattie Griffin, et al., for iden-<br>tification as Mississippi Choctaws, - - - - - | 22   |
| Ex parte affidavit of C. S. Hudson, - - - - -                                                              | 24   |
| Power of attorney given by Hattie Griffin to M. J. Tucker,                                                 | 25   |

--2--

Final decision of the Commission in the consolidated case  
of Bettie Martin, et al., applicants for identification  
as Mississippi Choctaws, refusing said application, - - - 26

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5257

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Bettie Martin for the identification of herself and her two minor children, Tom and Alberta, as Mississippi Choctaws.

Appearances:

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

Bettie Martin, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bettie Martin.
- Q How old are you? A I am fifty three years old.
- Q How much Choctaw blood have you? A Quarter.
- Q What's your post office address? A Canton, Mississippi.
- Q How long have you lived at Canton? A Been there three years.
- Q Where did you live before that? A Madison County.
- Q How long did you live there in Madison? A I lived in Madison County twelve years since the surrender, but I was born in Leake, you know, and been there always.
- Q I want to know how long you lived in Madison County immediately before you moved to Canton? A Why, I lived there all my days, until I moved there.
- Q Then, what's this you were telling us about Leake? A I was born in Leake.
- Q How long did you live in Leake? A I couldn't tell; all my days, I reckon.
- Q Have you lived in these two Counties here in Mississippi all your life? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A Sol Edwards.
- Q Your mother living? A No, sir.
- Q What was her name? A Kizziah.
- Q Through which one of your parents did you get your Choctaw blood? A Father.
- Q How much Choctaw blood did he have? A Half.
- Q How old would he be if he were living now? A About seventy years, I reckon.
- Q Did he speak or understand the Choctaw language? A No, sir.
- Q Was he a slave? A Yes, sir.
- Q Were you? A Yes, sir.
- Q Did he live in Mississippi all his life? A Yes, sir.
- Q Was he married your mother? A Yes, sir, to my mother /
- Q When were they married? A You are speaking of my father?
- Q Your father and mother; when were they married? A Married like anybody else in slavery, you know, away back.
- Q They were married according to the custom among slaves? A Yes, sir.

Bettie Martin, et al., 2.

- Q How many children did they have? A They had ten, I believe, to my recollection.
- Q Through which one of his parents did Sol get his Choctaw blood?
- Q His mother.
- Q What was her name? A Jane.
- Q Any other name? A Jane Edwards.
- Q Any other name besides that? A No, sir.
- Q How much Choctaw blood did Jane have? A Full blood.
- Q You never saw her? A No, sir.
- Q Where did she live? A In Leake County, on a plantation named Bob Edwards.
- Q She was a slave? A No, sir, wasn't no slave.
- Q How old would she be if she were living now? A I couldn't tell; I reckon she would be mighty old.
- Q Lived here in Leake County all her life? A Yes, sir.
- Q Do you know the names of her parents? A No, sir.
- Q Your father always told you that she was a full blood Choctaw?
- A Yes, sir, taught that to the children.
- Q When did this woman die? A I couldn't tell.
- Q Before you were born, or afterwards? A Before I was born, I reckon, or afterwards.
- Q Well, which? A I couldn't tell, exactly, when she did die.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A Green Martin.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q Have you been married more than once? A No, sir, haven't been married but once.
- Q How many children have you living unmarried and under twenty one years of age? A Two.
- Q What are their names and ages? A Tom Martin
- Q How old? A Nineteen.
- Q Next one? A Alberta, twelve.
- Q Are these two children all you have living who are under age and unmarried? A Yes, that's all that's under age.
- Q Neither of them are married? A No, sir.
- Q This application, then, is for yourself and two minor children only? A Yes, sir.
- Q Has any application of any kind ever been made before today in behalf of you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article, or ever receive any benefits under that article? A Not as I knows of.
- Q Never have heard? A No, sir.
- Q Did any of them ever own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, when this treaty was made?
- A No, sir, not that I knows of.
- Q Any of them live here at that time to your knowledge? A I reckon they was; they ought to be; they was born and raised here.
- Q Who, among your ancestors - your Choctaw ancestors, was living here in the old Choctaw Nation, in 1830, seventy two years ago? A My



Bettie Martin, et al., 3.

grand mother; she was living here.

Q She is the one you claim was a full blood? A Yes, sir.

Q Jane? A Yes, sir.

Q Do you know where she was living at that time? A On Bob Edward's place, I believe, in Leake County.

Q How do you know she was living there at that time? A By witnesses that I have that can remember them, and my father always taught me that that my grand mother was an Indian woman.

Q He never told you where she was living at the time the treaty of Dancing Rabbit Creek was made, did he? A In Leake County; he always taught us that.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not as I knows of.

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

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I have ever been taught.

Q Did you ever hear of any of your old people ever having gotten any land from the Government? A No, sir.

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

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

Bettie Martin, et al., 4.

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

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

Q Never did? A No, sir, I have never heard of it.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, I have not. I don't know of any.

Q Do you know of any old people living who would likely know whether any of your ancestors ever complied or attempted to comply with its provisions, or not? A No, sir.

Q Have you any witnesses here today to testify in your behalf?

A No, sir, I didn't bring them.

Q How many witnesses have you? A Two.

Q What do they know about your case? A They said they knowed my father's mother way back in old times.

Q What else do they know about it? A That's all.

Q They don't know whether any of your people ever complied with this treaty provision, do they? A No, sir.

Q What are the names of your witnesses? A Evaline Collier and Eliza Winecough.

Q Where do they live? A In Madison County.

Q What post office? A Canton, Mississippi.

If you should desire to introduce the testimony of any witness in support of your application, they may appear before us here at Meridian, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

A No, sir.

Q How many married children have you? A Six.

Q What are their names? A Missouri.

Q Missouri what? A Baker, Lizzie Mosely, Louisa Jones.

Q Next? A Hattie Griffin.

Q Next? A Alice Wolfolk.

Q Next? A Emma Tucker.

Q You have no sons married? A No, sir.

Q Have you any children dead? A Yes, sir.

Bettie Martin, et al., 5.

- Q Did any of them leave children? A No, sir.
- Q Have you any brothers living? A Yes, sir, I have three, but I don't know where they are.
- Q What are their names? A One named Sebe Edwards, Arnold, and Tip Edwards.
- Q Where do they live? A Two of them lives in Yazoo County, and the other one lives in Madison County, I reckon; I left him in Madison County.
- Q What's the name of the one that lives in Madison? A Tip Edwards.
- Q Have you any sisters living? A Yes, sir.
- Q How many? A Four.
- Q What are their names? A One is named Mandy Matlock and Jane Powell, and I have got a sister named Lou, but I don't know her husband's name; she married since I moved to Canton.
- Q What's the name of the other sister? A Martha Smith.
- Q Have you any brothers dead who left children? A No, sir.
- Q Any sisters dead who left children? A No, sir.
- Q Are any of your father's brothers or sisters living? A No, sir.
- Q Any of the children of any of your father's brothers or sisters living? A Not as I knows of.
- Q Do you speak or understand the Choctaw language? A I couldn't understand it.
- Q Did your father? A No, sir.

By S.A.Beadle:

Were your father and mother living together as late as 1870?

A My mother?

Q Yes? A Yes, sir.

Q Mother and father living together as husband and wife as late as 1870? A Yes, sir.

Q Lived continuously from the time they married down to '70 together? A Yes, sir.

By Commission:

How long after 1870 did they live together? A They lived together until they was buried.

Q When did the first one of them die? A 1882.

By S.A.Beadle:

We desire to offer in evidence two affidavits in support of this claim.

The affidavits of Mary Ann Eliza Wyncoff and Emaline Collier are offered in evidence, identified as Exhibits "A and B", respectively, filed and made a part of the record in this case.

By Commission:

How long have you known this woman, Mary Ann Wyncoff? A Been knowing her all my life nearly.

Q Is she any relation to you? A No, sir.

Q Was she a slave? A Yes, sir.

Q How long have you know Emaline Collier? A Grewed up together. She is very older than I am.

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

Q Is she any relation to you? A No, sir.

Bettie Martin, et al., 6.

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of April, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings, in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 23rd day of April, 1902.

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

By

*[Signature]*

Deputy.

*Coll.*

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

---O---

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

|                         |              |
|-------------------------|--------------|
| Bettie Martin, et al.,  | M.C.R. 5257  |
| Missouri Baker, et al., | M.C.R. 5259  |
| Lizzie Moseley, et al., | M.C.R. 5258  |
| Emma J. Tucker, et al., | M.C.R. 5433  |
| Hattie Griffin, et al., | M.C.R. 5434. |

--- 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 Bettie Martin for herself and her two minor children, Tom and Alberta Martin; by Missouri Baker for herself and her two minor children, Maggie and Green Baker; by Lizzie Moseley for herself and her minor child, Bruce Moseley; by Madison J. Tucker for his wife, Emma J. Tucker, and their four minor children, Birdie L., William McKinley Bettie L. and Roosevelt Tucker, and by Madison J. Tucker for his sister-in-law, Hattie Griffin and her minor child, Eddie Griffin,

under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 49b):

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

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that all the other applicants herein are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Muggie Baker, Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should

therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Noting Chairman.

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

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

Muskogee, Indian Territory,

DEC 18 1902

MCR 5291, 5266,  
4820, 4821, 4822,  
4812, 5257, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Tasoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Choctaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5266

Fannie D. Cessor et al., M C R 4820  
Daisy McCheser et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Took Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5257

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 3, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in this consolidated



L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma T. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 425).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker, Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

M, Holt & C-2

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

Respectfully,

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

Muskogee, Indian Territory, December 18, 1902.

A. W. Jones, Agt.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,

A. W. Jones-2

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Mattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

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

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of

S. A. Beadle-2

Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker, Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5257

Muskogee, Indian Territory, December 18, 1902.

Bettie Martin,  
Canton, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,



Bettie Martin-2

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 3, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Bettie Martin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 18, 1902.

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

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 5257

(COPY)

Land  
1443-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, Feb. 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Bettie Martin for the identification of herself and her two minor children, Tom and Alberta Martin, also the application of Missouri Baker for the identification of herself and her two minor children Maggie and Green Baker, also the application of Lizzie Moseley for the identification of herself and her minor child Bruce Moseley, also the application of Madison J. Tucker for the identification of his wife Emma J. Tucker and their four minor children, Birdie L., William McKinley, Bettie L. and Roosevelt Tucker, also the application of Madison J. Tucker for the identification of his sister-in-law Hattie Griffin and her minor child Eddie Griffin, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that no freedman is entitled to identification as a Mississippi Choctaw under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that as the applicants herein are such freedmen their applications should be refused.

An examination of the record evidence shows that these applicants claim to be Mississippi Choctaw Indians with rights in lands of the Choctaw Nation by reason of the provisions of article 14 of the treaty of 1830, and aver that they are the descendants of the same common Choctaw ancestors, which ancestors, they claim, were Sol Edwards and Jane Edwards. But neither the record evidence nor an examination of the records in this office show that either the said Sol Edwards or Jane Edwards ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or procured a patent for land thereunder. The record evidence does show that none of these applicants is a Choctaw Indian of the full blood.

By reason of the premises the office considers that the applicants have failed to show that they are entitled to lands in the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that the evidence is insufficient to identify them as such Mississippi Choctaws.

It is therefore recommended that their several applications be denied by the Department.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

W.C.B.(S)

(COPY)

D C 6986-1903.            DEPARTMENT OF THE INTERIOR.            J.W.H.  
I.T.D.2226-1903.            Washington.            WHR.  
L.R.S.

March 9, 1903.

The Commission

to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 3, 1903, you transmitted the record in the consolidated case embracing the applications of Bettie Martin (M.C.R. 5257), Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker, Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin, for identification as Mississippi Choctaws, including your decision of December 18, 1902, denying the same.

The principal applicant, who is a quarter blood Choctaw and an ex-slave, was born in 1849. She traces her Choctaw descent through her father, Sol Edwards, who was a half blood Choctaw and also a slave, to her grandmother, Jane Edwards, who was a full blood Choctaw woman and not a slave. The latter, according to the affidavits of Mary Ann Eliza Wyncoff and Emaline Collier, was born in Leake County, Mississippi, in 1829, where she died on the Edwards plantation in 1874.

-2-

The testimony furnished by the principal applicants herein fails to show that any of their ancestors ever complied or attempted to comply with any of the provisions of article 14 of the treaty of 1830, or with the subsequent acts relating thereto. It further appears that the records of the government in your possession, as well as those in the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied with said article or acts.

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

Reporting in the matter February 21, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved.

The Department concurs therein and your decision is accordingly hereby affirmed.

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

Respectfully,

(Signed) F. L. Campbell,

1 inclosure.

Acting Secretary.

H.C.R. 5257

Muskogee, Indian Territory, March 21, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pettie Martin, et al., of which decision you were advised by registered mail on the 13th day of December, 1902.

Respectfully,

*L. J. ...*  
Chairman.

M.C.R. 5257

COM. V.

Muskogee, Indian Territory, March 21, 1903.

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

Dear Sir:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

*L. B. ...*  
Chairman.



M.C.R. 5257

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 21, 1903.

Bettie Martin,

Canton, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

*L. W. ...*  
Chairman.

1871

Booth's 1<sup>st</sup> Am. M. C.

Booth's 2<sup>nd</sup> Am. M. C.

|                    |                                                                        |                                                  |                                                      |                                                                                                 |
|--------------------|------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|                    |                                                                        |                                                  | Missouri Martin 37, 18<br>married<br>Charles Baker   | Maggie Baker, 18<br>Irene Baker, 16                                                             |
|                    |                                                                        | Sebe Edwards                                     | Lizzie Martin, 34, 18<br>married<br>David Mosely     | Bruce Mason                                                                                     |
|                    |                                                                        | Arnold Edwards                                   | Louisa Martin<br>married<br>James                    |                                                                                                 |
|                    |                                                                        | Tip Edwards                                      | Emma J. Martin 2, 18<br>married<br>Madison J. Tucker | Birdie L Tucker, 12<br>William M. Kinley Tucker, 6<br>Bettie L Tucker, 3<br>Roosevelt Tucker, 1 |
| Jane Edwards, full | Sol or<br>Solomon Edwards 1, 18<br>wife<br>Kizziah Edwards, 2<br>slave | Bettie Edwards, 5, 18<br>married<br>Green Martin | Alice Martin,<br>married<br>Welford                  |                                                                                                 |
|                    |                                                                        | Mandy Edwards<br>married<br>Matlock              | Hattie Martin, 23, 18<br>married<br>S. S. Griffin    | Eddie Griffin, 1                                                                                |
|                    |                                                                        | Jane Edwards<br>married<br>Powell                | Tom Martin, 19<br>Alberta Martin, 12                 |                                                                                                 |
|                    |                                                                        | Low Edwards                                      |                                                      |                                                                                                 |
|                    |                                                                        | Martha Edwards<br>married<br>Smith               |                                                      |                                                                                                 |

No.

5257

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date

Name

Belle Martin

Age

53

Blood

1/4

Post Office,

Canton, Miss.

Father:

Sol Edwards

d

Mother:

Nizyah

"

d

Claims through

Latha

husband

Green Martin

No claim for husband

d

Children:

Sam Martin

19

Albert

Stenographer

*[Handwritten signature]*

Choctaw MCR 5258

Lizzie Moseley

See MCR 5257

MCR 5258

5258

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Lizzie Moseley for the identification of herself and one minor child, Bruce, as Mississippi Choctaws.

Appearances:

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

Lizzie Moseley, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Moseley.
- Q How old are you? A Thirty four.
- Q How much Choctaw blood have you? A One eighth.
- Q What's your post office address? A Yazoo City, Mississippi.
- Q How long have you lived in Yazoo County? A Been there nineteen years.
- Q Where did you live before that? A Madison County.
- Q How long did you live there? A That's where I was born, and lived there until I moved to Yazoo City.
- Q Is your father living? A Yes, sir.
- Q What's his name? A Green Martin.
- Q Mother living? A Yes, sir.
- Q What's her name? A Bettie Martin.
- Q Is she the Bettie Martin who just appeared before the Commission here this morning? A Yes, sir.
- Q Through which one of your parents did you get your Choctaw blood? A My mother.
- Q Through which one of her parents did she get her Choctaw blood? A From her father.
- Q What was his name? A Solomon Edwards.
- Q Through which one of his parents did he get his Choctaw blood? A His mother was an Indian.
- Q What was her name? A Jane.
- Q Did you ever see her? A No, sir.
- Q Do you know anything at all about her? A No, sir.
- Q How do you know she was an Indian? A That's what I often heard my grand father say.
- Q Fullblood Choctaw Indian? A Yes, sir.
- Q Where did she live? A In Leake County.
- Q Are you married? A Yes, sir.
- Q Been married more than once? A No, sir.
- Q What's your husband's name? A David Moseley.
- Q Any Choctaw blood? A No, sir.
- Q Are you living together now? A Yes, sir.
- Q You make no claim for him? A No, sir.
- Q How many children have you living? A Only one.
- Q What's his name? A Bruce Moseley.
- Q How old? A He's ten years old.

Lizzie Moseley, et al., 2.

- Q This application, then, is for yourself and one minor child? A Yes, sir.
- Q That child living with you now? A Yes, sir.
- Q The child of yourself and David Moseley? A Yes, sir.
- Q Has any application of any kind ever been made for you or this child before today for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir, I have heard it explained.
- Q Do you know whether any of your ancestors ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made? A Not as I know of.
- Q Did any of them live here at that time? A Yes, sir.
- Q Who? A My grand father's mother.
- Q What was her name? A Jane Edwards.
- Q Where did she live in 1830? A In Leake County.
- Q How do you know that? A That's what I often heard them say; that's all I know.
- Q Who did you ever hear say that? A I have heard the witnesses, Mrs. Wyncoff and Mrs. Collier say that.
- Q Did any of your Choctaw ancestors remove 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? A Not that I know of.
- Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did you ever hear of any of them ever having gotten any money from the Government? A No, sir.

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



Lizzie Moseley, et al., 3.

certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied, in all respects, with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.  
Q Did any of your ancestors ever get any land here in Mississippi, or elsewhere, from the Government, or any money from the Government?  
A Not that I know of.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.  
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.  
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.  
Q Have you any witnesses here today to testify in your behalf?  
A No, sir.  
Q Have you any written evidence of any kind to offer? A I desire to have the written evidence offered by my mother considered in my case.  
Q Are there any further statements you want to make at this time?  
A No, sir.  
Q Do you speak or understand the Choctaw language? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Lizzie Moseley, et al., 4.

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 23rd day of April, 1902.

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

By

*W. M. M. M.*

Deputy.

Muskogee, Indian Territory, December 18, 1902.

Lizzie Moseley,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,

Lizzie Moseley-2

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

COMMISSIONERS  
JAMES D. DUBBY  
THOMAS B. HERDLES  
C. R. BUCKENRIEPE  
W. I. STANLEY

ALLISON C. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 5258

Muskogee, Indian Territory, March 21, 1903.

Lizzie Moseley,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss

1901

Date

Name

Lizzie Anderson

Age

34

Blood

1/8

Post Office

Yazoo City, Miss.

Father:

Green Martin

R

Mother

Belle

R

Claims through

husband

and having  
no claim for husband

Children:

3

Stenographer

*[Handwritten signature]*

100



RECEIVED  
JUN 19 1903  
P. M.  
GASTON, N. C.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Missie Hobbes,~~

~~Yucca City, Mississippi.~~

12-1



Choctaw MCR 5259

Missouri Baker

See MCR 5257

MCR 5259

5239

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Missouri Baker for the identification of herself and her two minor children, Maggie and Green, as Mississippi Choctaws.

Appearances:

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

Missouri Baker, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Missouri Baker.  
Q How old are you? A Thirty seven years old.  
Q How much Choctaw blood have you? A One eighth.  
Q What's your post office address? A Yazoo City,  
Q How long have you lived in Yazoo County? A Nineteen years.  
Q Where did you live before that? A Madison County.  
Q All your life? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Green Martin.  
Q Mother living? A Yes, sir.  
Q What's her name? A Bettie Martin.  
Q Is she the Bettie Martin who appeared before the Commission here in Meridian this day? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Your husband living? A Yes, sir, my husband's living.  
Q What's his name? A Charles baker.  
Q Has he any Choctaw blood? A Not as I knows of.  
Q You make no claim for him? A No, sir.  
Q How many children have you living? A Two.  
Q What are their names and ages? A Maggie.  
Q How old? A Eighteen.  
Q Next one? A Sixteen.  
Q What's the name? A Green Baker.  
Q Either of them married? A No, sir.  
Q These children both live with you? A Yes, sir.  
Q Are they both the children of yourself and Charles Baker? A Yes, sir.  
Q This application, then, is for yourself and two minor children?  
A Yes, sir.  
Q Has any application of any description ever been made before today for your or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and two minor children, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q You understand that 14th article? A Yes, sir.

Missouri Baker, et al., 2.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A 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, sir.

Q Did 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 Not as I know of.

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

Q Did you ever hear of any of your people ever having gotten any land from the Government of the United States? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1833 and 1838, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of 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 this treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the pro-

Missouri Baker, et al., 3.

visions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

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

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.

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

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

Q Any written evidence to offer? A My mother offered some.

Q Your mother appeared here this morning just before you, did she?

A Yes, sir.

Q You want here written evidence considered in your case? A Yes.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

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

(Applicant has the features and facial expressions of a negro; shows no indication of being possessed of Indian blood; does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above cause on the 15th day of April, 1902, and that the foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 23rd day of April, 1902.

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

By *[Signature]*

Deputy.

M.C.R. 5259

Muskogee, Indian Territory, December 18, 1902.

Missouri Baker,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                         |             |
|-------------------------|-------------|
| Bettie Martin, et al.,  | M.C.R. 5257 |
| Missouri Baker, et al., | M.C.R. 5259 |
| Lizzie Moseley, et al., | M.C.R. 5258 |
| Emma J. Tucker, et al., | M.C.R. 5433 |
| Hattie Griffin, et al., | M.C.R. 5434 |

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,

Missouri Baker-2

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered.\*

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

M.C.R. 5259

Muskogee, Indian Territory, March 21, 1903.

Missouri Baker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

*Tame*  
Chairman.

44

No. 5259

For Identification as a Mississippi Choctaw.

Meridian Miss

Date Feb 15 1902

Name Minoure Baker

Age 37 Blood 1/8

Post Office, Yazoo City Miss.

Father: Green Martin

Mother: Bettie

Claims through mother  
husband Charles Baker  
no claim for husband

Children:

|               |              |    |
|---------------|--------------|----|
| <u>Maggie</u> | <u>Baker</u> | 18 |
| <u>Green</u>  | "            | 16 |

Stenographer

R. J. Street



Choctaw MCR 5260

Wade Bell

See MCR 5295, 5269, 5296  
5297

MCR 5260

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

---0---

In the matter of the application of Wade Bell, et al.,  
 for identification as Mississippi Choctaws, consolidating the appli-  
 cations of-

|                       |             |
|-----------------------|-------------|
| Wade Bell, et al      | M.C.R. 5260 |
| Chaney Jones, et al   | " 5296      |
| Alice Sessions, et al | " 5269      |
| Emma George, et al    | " 5298      |
| Lela Bell             | " 5297      |

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

|                                                                                                                                    | (Page) |
|------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Wade Bell, et al.,<br>before the Dawes Commission for identification<br>as Mississippi Choctaws .....      | 1      |
| Certified copy of marriage certificate of Wade<br>Bell and Mattie Ford .....                                                       | 8      |
| Affidavit of Dr. W. H. Anderson .....                                                                                              | 8-A    |
| Original application of Chaney Jones, et al.,<br>before the Dawes Commission for identification<br>as Mississippi Choctaws .....   | 9      |
| Affidavit of Dr. W. H. Anderson .....                                                                                              | 15     |
| Original application of Alice Sessions, et al.,<br>before the Dawes Commission for identification<br>as Mississippi Choctaws ..... | 16     |
| Affidavit of Dr. W. H. Anderson .....                                                                                              | 19-A   |
| Original application of Emma George, et al.,<br>before the Dawes Commission for identification<br>as Mississippi Choctaws .....    | 20     |

|                                                                                                                                               | (Page) |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Affidavit of Dr. W. H. Anderson .....                                                                                                         | 24     |
| Original application of Lela Bell before the<br>Daves Commission for identification<br>as a Mississippi Choctaw .....                         | 25     |
| Affidavit of Dr. W. H. Anderson .....                                                                                                         | 29     |
| Decision of the Commission refusing the consolidated<br>application of Wade Bell, et al., for identification<br>as Mississippi Choctaws ..... | 30     |

COPY.

*C.W.*

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

-0-

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

|                         |             |
|-------------------------|-------------|
| Wade Bell, et al.,      | M.C.R. 5260 |
| Chaney Jones, et al.,   | M.C.R. 5295 |
| Alice Sessions, et al., | M.C.R. 5269 |
| Emma George, et al.,    | M.C.R. 5296 |
| Lela Bell,              | M.C.R. 5297 |

---: 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 Wade Bell for himself and his seven minor children, Minnie, Leola, Thomas M., Mattie, Lillie C., Lela B. and Wade Bell, Jr; by Chaney Jones for herself and her six minor children, Freeman, Ollie, Abraham, Elijah, Amy and Nero Jones; by Alice Sessions for herself and her three minor children, Richard, Charlotte and Sarah Sessions; by Emma George for herself and her three minor children, Harvey, Jr., Eddie and Thomas J. George; and by Lela Bell for herself, under

the following provision of the act of Congress approved June 26, 1894 (30 Stats., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 applications and the records in the possession of the Commission, it does not appear that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities, as a member of the Choctaw tribe, or admitted to 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., 521).

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim than the father of the principal applicant, who, according to the testimony was not more than seventy years of age in eighteen hundred and ninety-two and could not, therefore, have been living in eighteen hundred and thirty. The record shows that all the applicants herein are ignorant of the names of any of their ancestors other than the said father of the principal applicant. Although they have had eight months in which to secure evidence tending to show who said ancestors were they have not offered to submit such additional proof, neither have their attorneys of record.

The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Leola Bell, Thomas V. Bell, Mattie Bell, Millie T. Bell, Lela B. Bell, Wade Bell, Jr., Chaney Jones, Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Nero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela 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, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tama Diaby.*

Acting Chairman.

Commissioner.

*John L. ...*

Commissioner.

Mustered, Indian Territory,

FEB 5 1905

H.C.R. 5260

Copy

Muskogee, Indian Territory, February 5, 1907.

Wade Bell,

Pickens, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of February, 1907, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.      | H.C.R. 5260 |
| Chaney Jones, et al.   | H.C.R. 5295 |
| Alice Sessions, et al. | H.C.R. 5288 |
| Emma George, et al.    | H.C.R. 5296 |
| Lela Bell              | H.C.R. 5297 |

These applications were made under the provision of the act of Congress of June 22, 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:

"The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Neola Bell, Thomas H. Bell, Pattie Bell, Lillie C. Bell, Lela B. Bell, Wade Bell, Jr.,

Wade Bell, --2

Chaney Jones, Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Nero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Helen Belleas Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge.

Registered.



M.C.R. 5360

Wickogee, Indian Territory, February 5, 1903.

S. A. Leadle,

Attorney at law,

Jackson, Mississippi.

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 Wade Bell, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.      | M.C.R. 5360 |
| Chaney Jones, et al.   | M.C.R. 5395 |
| Alice Sessions, et al. | M.C.R. 5369 |
| Ferna George, et al.   | M.C.R. 5396 |
| Lela Bell              | M.C.R. 5297 |

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:

"The evidence being insufficient to determine the identity Wade Bell, Minnie Bell, Lela Bell, Thomas M. Bell, Mattie

S. A. Fendle,—2

Hell, Willie C. Hell, Wela P. Hell, Wale Hell, Jr., Stanley Jones, Freeman Jones, Ollie Jones, Herbert Jones, Elijah Jones, Amy Jones, Nero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Ezra George, Harvey George, Jr., Eddie George, Thomas J. George and Wela Hell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission 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,

Commissioner in Charge.

Respectfully,

Muskogee, Indian Territory, February 5, 1903.

A. W. Jones, Agent,

Muskogee, 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 Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.,     | H.C.R. 5360 |
| Chaney Jones, et al.   | H.C.R. 5295 |
| Alice Sessions, et al. | H.C.R. 5369 |
| Dora George, et al.    | H.C.R. 5396 |
| Lela Bell              | H.C.R. 5397 |

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:

"The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Beola Bell, Thomas M. Bell, Mattie Bell, Millie C. Bell, Lela B. Bell, Wade Bell, Jr., Chaney Jones,

A. V. Jones,—3

Tremar Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Nero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Ezra George, Harvey George, Jr., Edie George, Thomas J. George and Lelan 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, it is the opinion of this Commission 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 aforesaid within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*C. H. Brewster*  
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 5, 1903.

Hansfield, Murray & 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 Wade Bell, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.      | M.C.R. 5260 |
| Chaney Jones, et al.   | M.C.R. 5295 |
| Alice Sessions, et al. | M.C.R. 5269 |
| Emma George, et al.    | M.C.R. 5296 |
| Lela Bell              | M.C.R. 5297 |

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

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Leola Bell, Thomas H. Bell, Mattie Bell, Lillie C. Bell, Lela F. Bell, Wade Bell, Jr., Chaney Jones, Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Hero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela 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, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

H. Hon. & Co.,—2

You are further advised that the applications in this case have been allowed. It is requested that you advise the date hereof within which to file agreements in this office, and that at the expiration of said time the same in this case, together with such arrears will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Very respectfully,

*C. B. Frothingham,*  
Commissioner in Charge.

Washington, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Wade Bell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1903.

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

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.      | M.C.R. 5260 |
| Stanley Jones, et al.  | M.C.R. 5295 |
| Alice Sessions, et al. | M.C.R. 5209 |
| Irma George, et al.    | M.C.R. 5296 |
| Lela Bell              | M.C.R. 5297 |

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

Respectfully,

*James H. ...*

Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 5260

land  
13441-1903.

C O P Y  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

MARCH 10, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the consolidated case of Wade Bell et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission adverse to the applicants rendered February 5, 1903.

This consolidated case embraces the applications of---

Wade Bell, for himself and his seven minor children, Winnie, Leola, Thomas M., Mattie, Lillie C., Lela B., and Wade Bell, Jr.

Chaney Jones, for herself and her six minor children, Freeman, Ollie, Abraham, Eligah, Amy, and Nero Jones.

Alice Sessions, for herself and her three minor children, Richard, Charlotte, and Sarah Sessions.

Emma George, for herself and her three minor children, Harvey Jr., Eddie, and Thomas J. George.

Lela Bell, for herself.

The evidence shows that the applicants are too young to have been living in 1830, and fails to show the name of a more remote Choctaw ancestor through whom they claim than Wade Bell, the father of the principal applicant, who according to the testimony was not over 70 years of age in 1892, and could not therefore have been living in 1830.



It further appears from the evidence that all the applicants are ignorant of the names of their ancestors other than the father of the principal applicant; and notwithstanding the fact, as stated in the record, that they have had eight months in which to obtain evidence tending to show who said ancestors were, they have not done so.

The Commission bases its decision rejecting the applicants on the ground that the evidence is insufficient to determine their identity as Choctaw Indians entitled to benefits under the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that there were several persons named Bell who received lands or scrip under the provisions of said <sup>14th</sup> article, but it has been found impossible, from the evidence presented, to identify such persons with the ancestor through whom the applicants claim. It is, therefore, recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

(Signed) A. C. Turner,

Commissioner.

E.B.F. (G)

D.C.14064  
I.T.D.2748-1903.

C O P Y  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, MAY 8, 1903.

JWH  
PHE

LRS

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

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Wade Bell (M.C.R.5260), for himself and his seven minor children, Minnie, Leola, Thomas M., Mattie, Millie C., Lela B. and Wade Bell, Jr. of Chaney Jones for herself and her six minor children, Freeman, Ollie, Abraham, Elijah, Amy and Nero Jones; of Alice Sessions for herself and her three minor children, Richard, Charlotte and Sarah Sessions; of Emma George for herself and her three minor children, Harvey, Jr., Eddie and Thomas J. George; and of Lela Bell for herself, including your decision of February 5, 1903, refusing to identify them as such.

The principal applicant through whom the others claim, is a quarter blood Choctaw, and an ex-slave. He was born in 1852 in Madison County, Mississippi. For the last 20 years he has resided in Yazoo County, in that State. He obtained his Choctaw blood from his father, Wade Bell, Sr., who was an one-half blood Choctaw. It seems that the latter was born in 1835 and died in 1895. He was a slave.

In view of the fact that Wade Bell, Sr., was born subsequent to the treaty of September 27, 1830, it is evident that he was not a beneficiary under article 14 thereof.

It is claimed that the father of Wade Bell, Sr., was a full blood Choctaw. The applicants are unable however, to furnish his

name or to state where he lived. The only evidence appearing in the case relative to him is found in the affidavit of Dr. W. H. Anderson, from which it appears that he was under an under chief of the Choctaw and was not a slave.

Reporting in the matter March 10, 1903, the Acting Commissioner of Indian Affairs stated:

"An examination of the records of this office discloses the fact that there were several persons named Bell who received lands or scrip under the provisions of said 14th article, but it has been found impossible, from the evidence presented, to identify such persons with the ancestor through whom the applicants claim. It is, therefore, recommended that the decision of the Commissioner rejecting the applicants be approved."

Although there were a number of persons named Bell who were beneficiaries under the 14th article of the treaty of September 27, 1830, there is nothing in the testimony furnished by the applicants from which it can be ascertained that said persons were identical in person with the grantfather of the principal applicant, and as the parties in interest in this case are extremely ignorant as to their more remote ancestors it is not believed that a rehearing if offered would prove of advantage to them. The Department concurs in the recommendation of the Acting Commissioner, and your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS RYAN.

1 inclosure

Acting Secretary

COPY.

M.C.R. 5260

Muskogee, Indian Territory, May 20, 1903.

Wade Bell,

Pickens, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

(Signature)

*Tammie B. B. B.*  
Chairman.

COPY.

M.C.R. 5260

Muskogee, Indian Territory, May 20, 1903.

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

Dear Sir:

You are hereby notified that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

COPI.

M.C.R. 5260

Muskogee, Indian Territory, May 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

SIGNED

*James D. Smith*

Chairman.

M.C.R. 5260

Muskogee, Indian Territory, May 20, 1903.

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

Dear Sir:

You are hereby notified that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

mar  
5260

Wade Bell 50- $\frac{1}{4}$   
slave

mar  
Mattie Fort

men  
5260

Minnie Bell 13

Leola " 12

Thomas M " 8

Mattie " 6

Lillie C. " 5

Lela B " 5

Wade " fr. 5 m

mar  
5245

Chaney Bell 38- $\frac{1}{4}$

mar

Dick Jones

men  
5395

Freeman Jones 14

Ollie " 13

Abraham " 11

Elijah " 9

Amy " 8

Nero " 6

x Bell (fb)

↓

Mary Bell  
slave  
(or "Custer" )

Wade Bell  $\frac{1}{2}$   
slave (dead)

wife

(1) Adeline Bell  
dead

(2) Amy Bell  
dead

(3) Charlotte Bell  
dead

(4) Martha Bell

mar  
5241

Alice Bell 37- $\frac{1}{4}$

mar

Joe Sessions

Richard Sessions 16

Charlotte " 13

Sarah " 11

mar  
5296

Emma Bell 4- $\frac{1}{4}$

mar

Harvey George

men  
5296

Harvey George 5

Eddie " 2

Thomas J. " 6 m

mar

Lela Bell 20- $\frac{1}{4}$



Milton Bell  
 Wash. Bell  
 Fayette Bell  
 Wade Bell jr.  
 Cleveland Bell  
 (or Willie ... ?)

X - Bell (fb)  
 ↓  
 Mary or  
 (slave)  
 Easter Bell

Wade Bell 1/2  
 slave (dead)  
 wife  
 (1) Adling (dead)  
 (2) Amy (dead)  
 (3) Charlotte (dead)  
 (4) Martha

Ida Bell  
 Carrie Bell  
 mar  
 Bessie Bell  
 Louis Bell  
 ——— Bell  
 mar  
 John Smith

—————  
 ———

For Identification as a Mississippi Choctaw.

Meridian Miss.   
 Date   
 Name Wade   
 Age 50   
 Post Office, Pickens, Miss   
 Father: Wade Bees, d   
 Mother: Adaline, " d

Claims through father   
 wife Mattie Bees   
 no claim for wife.

Children.   
 Minnie Bees 13   
 Leola " 12   
 Thomas M. " 8   
 Mattie " 6   
 Lillie C. " 5   
 Lela B. " 5   
 Wader " Jr. 6 mo

Stenographer

R. A. - [Signature]

Choctaw MCR 5261

Lillie Gay Haywood

MCR 5261

5261

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 19, 1901.

In the matter of the application of Lillie Gay Haywood  
for the identification of herself and one minor child, Protha, as  
Mississippi Choctaws.

Appearances:

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

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

Examination by the Commission.

- Q What is your name? A Lillie Gay Haywood.
- Q How old are you? A Twenty eight years on the 10th of November.
- Q How much Choctaw blood have you? A On eighth, I think.
- Q What's your post office address? A Yazoo City, Mississippi.
- Q How long have you lived there? A Been there eight years, going on nine.
- Q Where did you live before that? A In Holmes County, Mississippi.
- Q How long? A I was bred and born up there.
- Q Is your father living? A No, sir.
- Q What was his name? A Jacob Morrison.
- Q Is your mother living? A Yes, sir.
- Q What's her name? A Adline Morrison.
- Q Did your father have any Choctaw blood? A I heard him say he had three quarters, I believe.
- Q When did you ever hear him say he had three quarters? A I done forgot what he said.
- Q You don't know whether he said that or not, do you? A Done forgot it.
- Q Is the Adline Morrison who just appeared before the Commission here, your mother? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A Josie Haywood.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q Have you any children living? A Yes, sir, one.
- Q What's that child's name? A Protha.
- Q How old is Protha? A Three months old.
- Q Boy or girl? A Boy.
- Q Is he the child of yourself and Josie Haywood? A Yes, sir.
- Q This application, then, is for yourself and one minor child, is that right? A Yes, sir.
- Q Has any application of any kind ever been made before today for yourself of this child for the purpose of establishing your rights as Choctaw Indians? A This is the first one.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the 14th article of the treaty of Dancing

Willie Gay Haywood, et al., 2.

Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I understand some of it.

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

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that 14th article now?

A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article, or ever receive any benefits under that article? A No, sir.

Q Do you know about that? A No, sir.

Q Not that you know of? A No, sir.

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

Lillie Gay Haywood, et al., 3.

Q Did any of them, in fact, live here at that time? A No, sir, I don't know anything about that.

Q Did any of them remove 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 1836? A No, sir.

Q Sure of that, are you? A Yes, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A Not, sir.

Q Do you know whether they did, or not? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States? A No, sir.

Q Sure of that? A Yes, sir.

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

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

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

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

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the pro-

Lillie Gay Haywood, et al., 4.

visions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not as I know anything about.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.
- Q Know of any old person living who would likely know about that? A No, sir, I don't know of any.
- Q Any further statements you want to make at this time? A No.
- Q Have you any written evidence to offer at this time? A No, sir.
- Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 30th of this month here at Meridian, or within a reasonable time thereafter at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q You don't speak or understand the Choctaw language, do you? A No, sir.

By S.A. Beadle:

- Q Did you know your grand father? A No, sir, he died when I was very little; I don't remember him.
- Q Do you know whether or not he was living here seventy one years ago, or not? A No, sir, he was dead - Oh! yes, sir, he was living; I heard my father saw he was living here; that's all I know about it.
- Q But you did hear your father say he was living here at that time? A Yes, sir.
- Q When did your grand father die? A I don't remember when he died.
- Q Did he die before you were born? A Yes, sir.

By Commission:

What was your grand father's name you are talking? A Jacob Morrison.

By S.A. Beadle:

- Who was that you stated lived to be ninety five years of age and died a few years ago? A Mother's grand father Alex Kade.
- Q Did you ever see him? A Yes, sir.

Lillie Gay Haywood, et al., 5.

R. S. Strett, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of 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 23rd day of April, 1902.

*R. S. Strett*  
*L. D. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi

By *J. M. W.*

Deputy.



Muskogee, Indian Territory, January 7, 1903.

Lillie Gay Haywood,

Yasoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Adline Morrison, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |             |
|----------------------------|-------------|
| Adline Morrison, et al.    | M.C.R. 5256 |
| Lillie Gay Haywood, et al. | M.C.R. 5261 |

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adline Morrison, Jonah Morrison, Mary Morrison, Lizzie Morrison, Janet Morrison, James Morrison, Lillian Morrison,

Lillie Gay Haywood,--2

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

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

Respectfully,

*Jame T. [unclear]*  
Acting Chairman.

Registered.

M.C.R. 5261

Muskogee, Indian Territory, March 24, 1903.

Lillie Gay Haywood,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Adline Morrison, et al., of which decision you were advised by registered mail on the 7th day of January, 1902.

Respectfully,

(SIGNED)

*Jane Dickey*

Chairman.

No. 5281

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Apr 15 1902

Name Lillie Gay Haywood

Age 28

Blood 1/8

Post Office, Yazoo City Miss

Father: Jacob Morrison d

Mother: Adline " " L

Claims through both parents

husband Jose Haywood

No claim for him

Children:

Protia A. ...

Stenographer

R. S. Strait

251  

---

245

Notice  
received

25



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

250  

---

147

~~Little Gay Haywood,~~

~~Yazoo City, Mississippi.~~

Unclaimed

FEB 12 1908

REC'D  
FEB 13 1908  
MUSKOGEE APT. TEN

REGIS  
FEB 23 1968  
MUSKOGEE, IND. TER

FEB 23 1968

*Lillie Gay Haywood*  
*R 526* *Et. al.*

**REFUSED**

DECISION RENDERED **JAN 7**

NOTICE OF DECISION MAILED APPLICANT.

**JAN 7 - 1903**

NOTICE OF DECISION MAILED TO  
ATTORNEY FOR APPLICANTS.

**JAN 7 - 1903**

NOTICE OF DECISION MAILED ATTORNEY  
FOR CHOCTAW AND CHICKASAW NATIONS.

**JAN 7 - 1903**

RECORD FORWARDED DEPARTMENT.

**JAN 27 1903**

ACTION APPROVED BY SECRETARY OF INTERIOR

**MAR 14 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**MAR 24 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

**MAR 24 1903**

REFER TO M. C. R.



Choctaw MCR 5262

Lucy Kincaide

MCR 5262

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

-----o-----

In the matter of the application of Lucy Kincaide, et al., to the Dawes Commission for identification as Mississippi Choctaws, M.C.R. 5262.

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

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Lucy Kincaide, et al., M.C.R. 5262.

|                                                                                                                                | page |
|--------------------------------------------------------------------------------------------------------------------------------|------|
| Original application of Lucy Kincaide, et al., to the Dawes Commission for identification as Mississippi Choctaws.-----        | 1    |
| ex-parte affidavit in interrogatory form of F. A. Wolfe.-----                                                                  | 6    |
| Decision of the Commission refusing the application of Lucy Kincaide, et al., for identification as Mississippi Choctaws.----- | 8    |

-----o-----

5262

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Lucy Kincaide for the identification of herself and five minor children, Edgar, Thomas, Edmonia L., Henrietta and Lucile, as Mississippi Choctaws.

Said Lucy Kincaide, being first duly sworn, testified as follows:

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

Examination by the Commission.

- Q What's your name? A Lucy Kincaide.  
Q How old are you? A Thirty-three years old.  
Q How much Choctaw blood have you? A Quarter.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A I've lived there sixteen years.  
Q Where did you live before that? A Near the line of Copiah and Hinds.  
Q In which County? A Hinds.  
Q How long did you live there? A All my life.  
Q Is your father living? A No sir.  
Q What's his name? A Edward Littlejohn.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Henrietta Littlejohn.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q Was he a slave? A Yes sir.  
Q How old would he be if he were living now? A He would be eighty years old.  
Q Did he live here in Mississippi all his life? A Yes sir.  
Q He was a half Choctaw, then? A Yes sir.  
Q Was he and your mother married lawfully? A They were married like they married in that day.  
Q During slavery times? A Yes sir.  
Q How long after the civil war did they live together? A Until he died.  
Q How long after the war was over did your father die? A He's been dead now twenty years.  
Q Through which one of his parents did he get his Choctaw blood? A From his father.  
Q What was his name? A Smith Jones.  
Q Did you ever see him? A No sir.  
Q Was he a full blood Choctaw? A Yes sir.  
Q What was your father's mother's name? A I think her name was Polly Gatewoods.  
Q Was she a slave woman? A Yes sir.  
Q Did she ever have any other children by this Indian Smith Jones? A No sir, not that I know of.  
Q Were they ever married? A They lived together-I don't know about their marriage.  
Q Do you know how long they lived together? A No sir, I couldn't tell you that either.

- Q Did this man Smith Jones live here in Mississippi all his life?  
A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Could your father? A Yes sir, he could talk it.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What's his name? A Edward Kincaide.
- Q Has he any Choctaw blood? A No sir, not that I know of.
- Q You make no claim for him? A No sir.
- Q How many children have you living? A I have five.
- Q Give us their names and ages, the oldest first? A Edgar Kincaide, fifteen.
- Q Next one? A Thomas, thirteen.
- Q Next one? A Edmonia L., Eleven.
- Q Next one? A Henrietta.
- Q How old is she? A Eight years old.
- Q Next one? A Lucile, seven years old.
- Q Are these children all living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Edward Kincaide? A Yes sir.
- Q Is that all your children? A Yes sir.
- Q This application, then, is for yourself and five minor children?  
A Yes sir.
- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Have you ever been to Indian Territory? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article?  
A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of them live here at that time, 72 years ago? A Yes sir.
- Q Who? A My grandfather was living here then.
- Q Your father's father? A Yes sir.
- Q Do you know where he was living? A He was living in Hinds County, near the line of Copiah.
- Q Did he own an improvement here then? A Not that I know of.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under this treaty? A No sir.

Lucy Kincaide et al---3

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

Q Did any of your ancestors 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 Not to my knowledge.

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

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress?

A I think not, not that I know of.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A None that I know of.

Q Do you know of any old persons living who would likely know about this matter? A No sir, I couldn't refer you to them.

Lucy Kincaide et al--4

- Q Have you any witnesses here today? A No sir.  
Q Have you any written evidence of any kind to offer? A Yes sir.

The affidavit of F.A.Wolf is offered in evidence, identified as Exhibit-A, filed and made a part of the record in this case.

By Mr. S. A. Beadle:

- Q December 1st, 1869, the people of Mississippi adopted article 22 of the Constitution, which is as follows: "All persons who have not been married and who are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law as married and their children, whether born before or after the ratification of this Constitution, shall be legitimate and the Legislature may, by law, punish adultery and concubinage." Were your parents living together as husband and wife when this Constitution was adopted?  
A Yes sir, they were.

By the Commission:

- Q Is there anything further you care to say? A No sir.  
Q Have you any brothers living? A Yes sir.  
Q How many? A Three living.  
Q What are their names? A Charlie Littlejohn, Eddie Littlejohn Willie Littlejohn; I have one sister living.  
Q What's her name? A Etta Littlejohn.  
Q Is she married? A No sir.  
Q Have you any brothers dead who left children? A Yes sir.  
Q How many? A One brother who left children.  
Q How many children did he leave? A One.  
Q Is that child living now? A Yes sir, somewhere but I don't know where it is.  
Q What's that child's name? A Manuel Littlejohn.  
Q How old is he? A As near as I know he's sixteen.  
Q Have you any sisters dead who left children? A No sir.  
Q Are any of your father's brothers living? A Not that I know of.  
Q Are any of his sisters living? A No sir.  
Q Did he ever have any brothers or sisters? A He had, but I didn't know them.  
Q Did any of them leave descendants? A Not that I know of.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. Her hair is rather inclined to be straight. She has high cheek bones but her facial expression is that of a negro. She does not speak or understand the Choctaw language.

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

Lucy Kincaide et al--5

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 16th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Lucy Kincaide*  
Subscribed and sworn to before me this the 22nd day of April, 1902,  
at Meridian, Mississippi.

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

By *J. M. [unclear]*

Deputy.

J. W. R.  
C. W.  
'

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

In the matter of the application of Lucy Kincaid, et al., for identification as Mississippi Choctaws, M.C.R. 8262.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lucy Kincaid for herself and her five minor children, Edgar, Thomas, Edmonia L., Henrietta and Lucile Kincaid, under the following provision of the act of Congress approved June 25, 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 Smith Jones, who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

It further appears, from the evidence submitted in support



of said application and from the records in the possession of the Commission, that none of said applicant 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 Smith Jones, 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 or 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 Kincaide, Edgar Kincaide, Thomas Kincaide, Edmonia L. Kincaide, Henrietta Kincaide and Lucile Kincaide, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the

application for their identification as such should be refused, and  
it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixby.  
Acting Chairman

(SIGNED)

T. B. Needles.  
Commissioner

(SIGNED)

C. R. Breckinridge  
Commissioner

Muskogee, Indian Territory

DEC 6 1902

M.C.R. 5262

COPY.

Muskegee, Indian Territory, December 6, 1902.

Lucy Kincaide,

Yazoo City, Mississippi.

Dear Madam:

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 Lucy Kincaide, 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 Lucy Kincaide, Edgar Kincaide, Thomas Kincaide, Edmonia L. Kincaide, Henrietta Kincaide and Lucile Kincaide as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

-2-

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

MIGNEL

*no lobby.*  
Acting Chairman.

Registered.

COPY

Muskegee, Indian Territory, December 6, 1902.

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

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lucy Kincaide, 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 Lucy Kincaide, Edgar Kincaide, Thomas Kincaide, Edmonia L. Kincaide, Henrietta Kincaide and Lucile Kincaide, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

--2--

file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

UNRECORDED

*James Dixie.*

Acting Chairman.

Registered.

CONF.

Muskogee, Indian Territory, December 6, 1902 .

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

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 Lucy Kincaide, 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 Lucy Kincaide, Edgar Kincaide, Thomas Kincaide, Edmonia L. Kincaide, Henrietta Kincaide and Lucile Kincaide, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

-2-

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

Respectfully,

*Tamm Bixby.*

Acting Chairman.

Registered.



M.C.R. 5262

COPY.

Muskegee, Indian Territory, December 6, 1902:

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lucy Kincaide, 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 Lucy Kincaide, Edgar Kincaide, Thomas Kincaide, Edmonia L. Kincaide, Henrietta Kincaide and Lucile Kincaide, as Choctaw Indians entitled to rights in Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Tame Dixey.*

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 Lucy Kincaide, 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, her attorney of record, agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Yours truly,

*Lyman D. Wiley*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5262

M C R 5262

Muskogee, Indian Territory, February 9, 1903.

Lucy Kincaide,  
Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 31, 1903, giving the names of the witnesses to the marriage of your grandfather and grandmother.

In reply to your letter you are advised that it appears from our records that Lucy Kincaide was an applicant to this Commission for the identification of herself and her five minor children as Mississippi Choctaws; that on December 6, 1902, the Commission rendered its decision refusing said application, and on the same date you were notified by registered mail that you would be allowed fifteen days within which to submit argument in your case to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On December 22, 1902, the fifteen days theretofore granted having expired, the record in your case was transmitted to the Secretary of the Interior.

The Commission has not yet been notified of the action of the Secretary in your case.

Respectfully,

Acting Chairman.

D.C. 7801

( C O P Y )

I.T.D. 1942-1903. DEPARTMENT OF THE INTERIOR.

FHE

W A S H I N G T O N .

March 18, 1903.

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

Gentlemen:

December 23, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws, of Lucy Kincaide (M.C.R. 5262), for herself and her five minor children, Edgar, Thomas, Edmonia L., Henrietta and Lucile Kincaide, including your decision of December 6, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Smith Jones, who is alleged to have been a full blood Choctaw and to have resided in Mississippi in 1830. The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that their alleged ancestor complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

--: G O P Y -:--

Land.

76176-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of Lucy Kincaide, for herself and five children, Edgar, Thomas, Edmonia L., Henrietta and Lucile Kincaide, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

It appears from the evidence in this case that the applicants make their claim to identification by reason of their descent from one Smith Jones, who, it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The decision of the Commission rejecting these applicants is based on the ground that the name of Smith Jones does not appear on its records as one of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-:- 2 -:-

A careful examination of the records of this office discloses the fact that the name of Smith Jones is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Chadian treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. Tonner,  
Acting Commissioner.

E.B.H. HIR.

3 enclosures.

M.C.R. 5262

COPY.

Muskogee, Indian Territory, March 26, 1903.

Lucy Kincaide,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lucy Kincaide, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

*Tame Biabu*  
Chairman.

M.C.R. 5262

COPY.

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of 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 Lucy Kincaide, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

*James Dixby.*  
Chairman.



M.C.R. 0262

COPY.

Muskegee, Indian Territory, March 26, 1903.

A.W. Jones, Agent,

Muskegee, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Inay Kincaide, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

*Tame Dixie*  
Chairman.

M.C.R. 5362

COPY.

Waskagee, Indian Territory, March 26, 1903.

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

Dear Sir:

You are hereby notified that on the 16th 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 Lucy Kincaide, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

SIGNED,

*Tame Dixby.*  
Chairman.

For Identification as a Mississippi Choctaw.  
Meridian Miss. APR 15 1902

Name <sup>Date</sup> Lucy Kincaide

Age 33 Blood 1/4

Post Office Yazoo City, Miss.

Father: Edward Littlejohn d

Mother: Henrietta " L

Claims through father  
husband Edward Kincaide L  
no claim for husband

For \_\_\_\_\_

Children:

|           |          |    |
|-----------|----------|----|
| Edgar     | Kincaide | 15 |
| Thomas    | "        | 13 |
| Edmonia L | "        | 11 |
| Henrietta | "        | 8  |
| Lucile    | "        | 7  |

Stenographer

J. S. Hiles

Choctaw MCR 5263

Hattie Richardson

See MCR 4803

MCR 5263

5263

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Hattie Richardson  
for the identification of herself and one minor child, Delma, as Mis-  
sissippi Choctaws.

Said Hattie Richardson, being first duly sworn, testified  
as follows:

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

Examination by the Commission.

- Q What's your name? A Hattie Richardson.
- Q How old are you? A Twenty-five.
- Q How much Choctaw blood have you? A One-eighth.
- Q What's your postoffice address? A Yazoo City.
- Q How long have you lived in Yazoo County? A I was born and raised there.
- Q Is your father living? A Yes sir.
- Q What's his name? A Pleas Grear.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Susanna Grear.
- Q Through which one of your parents do you get your Choctaw blood? A Mother.
- Q Has she ever been before the Commission? A Yes sir, she was here in February.
- Q Have you two minor sisters and a minor brother? A yes sir.
- Q What are their names? A Maggie and Ollie and Hiram.
- Q Did your mether live in Mississippi all her life? A Yes sir.
- Q Was she a slave? A No sir.
- Q Through which one of her parents did she get her Choctaw blood? A Mother.
- Q What was her name? A Amelia Johnson.
- Q Is she living? A Yes sir.
- Q Has she been before this Commission? A Yes.
- Q When? A In February.
- Q This year? A Yes sir.
- Q Has she lived in Mississippi all her life? A Yes sir.
- Q Through which one of her parents did she get her Choctaw blood? A Her mother.
- Q What was her name? A Hannah.
- Q Any other name? A No sir, she never was married.
- Q Was she a full blood Choctaw? A Yes sir.
- Q Did she live here in Mississippi all her life? A Yes sir.
- Q Did she have a Choctaw name? A No sir.
- Q Did you ever see her? A No sir.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What's his name? A Henry Richardson.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him, then? A No sir.
- Q How many children have you living? A One.
- Q What's that child's name? A Delma.

Hattie Richardson etal--2

- Q Girl? A Yes sir.  
Q How old? A She will soon be four years old.  
Q Is she the child of your self and Henry Richardson? A Yes sir.  
Q This application, then, is for yourself and one minor child?  
A Yes sir.  
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?  
A No sir.  
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 No sir.  
Q Did any of them live here at that time? A No sir.  
Q Where did they live 72 years ago when this treaty was made? A Yes sir, they lived here in Mississippi.  
Q What part of Mississippi? A I don't know.  
Q What one of your Choctaw ancestors lived here then? A My grandmother.  
Q Amelia Johnson? A Yes sir.  
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

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

Hattie Richardson et al--3

with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved 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 article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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

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

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

Q Do you know of any old folks living who would likely know about this matter--know whether your people complied with the provisions or the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q You don't know of anyone? A No sir.

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

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

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application, ~~you~~ they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Any brothers living who are of age? A Yes sir.

Q How many? A One.

Q What's his name? A Marshall Dean.

Hattie Richardson etal---4

- Q Has he been before the Commission? A No sir.  
Q Where does he live? A Yazoo City.  
Q Have you any sisters who are of age or married? A Yes sir.  
Q How many? A One.  
Q What's her name? A Mamie Cheatham.  
Q Has she ever been before the Commission? A She's here now.  
Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 22nd day of April, 1902,  
at Meridian, Mississippi.

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

By *[Signature]*

Deputy.



M C R 5265

COPY.

Muskogee, Indian Territory, May 28, 1902.

Hattie Richardson,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |            |
|----------------------------|------------|
| Amelia Johnson,            | M C R 4803 |
| Susannah Grear, et al.,    | M C R 4804 |
| Manie Cheatham,            | M C R 5264 |
| Hattie Richardson, et al., | M C R 5263 |
| Sarah Williamson, et al.,  | M C R 4805 |
| Missie A. Collins,         | M C R 4806 |
| Lula Lee, et al.,          | M C R 5265 |

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

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

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the

COPY.

H R—2

evidence herein is insufficient to determine the identity of Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Manie Cheatham, Mattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

Registered.

M.C.R. 5263

COPY

Muskegee, Indian Territory, November 8, 1902.

Hattie Richardson,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

*O. B. Crockett*  
Commissioner in Charge.

No. 5233

For Identification as a Mississippi Choctaw.

Meridian Missn.

APR 15 1902

Name *Nattie Richardson*

Age *25* Blood *1/8*

Post Office, *Jayor City, Miss.*

Father: *Plens. Grear - L*

Mother: *Susanna - " L*

Claims through *mother.*  
*husband Henry Richardson L*  
*no claim for husband.*

Children:  
*Helma Richardson F 3*

mother's mother *Amelia Johnson 1/2 L*

Stenographer *J. S. Niles*

Choctaw MCR 5264

Mamie Cheatham

See MCR 4803

MCR 5264

5264

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Mamie Cheatham for identification as a Mississippi Choctaw.

Said Mamie Cheatham, being first duly sworn, testified as follows:-

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

Examination by the Commission.

- Q What's your name? A Mamie Cheatham.  
Q How old are you? A Twenty-nine.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A All my life.  
Q Is your father living? A Yes sir.  
Q What's his name? A Pleas Grear.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Susanna Grear.  
Q Through which one of your parents do you get your Choctaw blood?  
A Mother.  
Q Are you a full sister of Hattie Richardson who just appeared before the Commission? A Yes sir.  
Q Are you married? A Yes sir.  
Q Husband living? A Yes sir.  
Q What's his name? A Logan Cheatham.  
Q Has he any Choctaw blood? A No sir.  
Q You don't claim for him? A No sir.  
Q have you any children? A No sir.  
Q This application, then, is for yourself only? A Yes sir.  
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?  
A Not as I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.  
Q Did any of them live here at that time, 72 years ago? A Yes sir, my grandmother and great-grandmother.  
Q What was your great-grandmother's name? A Hannah.  
Q What other name did she have? A I don't know.  
Q Did she have any Choctaw blood? A She was a full blood Choctaw.  
Q Did she live here in this State all her life? A Yes sir, in Adams County.  
Q What was your grandmother's name? A Amelia Johnson.

Marie Cheatham--2

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

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

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

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

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

An act of Congress approved 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.

Mamie Cheatham--3

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

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Mrs. Lou Brown and Mr. Dennis Cooper; their testimony was offered in support of the application of my grandmother, Amelia Johnson, last February.

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

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

Q Any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.



COPY. M C R 5264

Muskogee, Indian Territory, May 28, 1902.

Fannie Cheatham,

Vazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Mississippian Choctaws:

|                            |            |
|----------------------------|------------|
| Amelia Johnson,            | M C R 4803 |
| Susannah Grear, et al.,    | M C R 4804 |
| Fannie Cheatham,           | M C R 5264 |
| Fattie Richardson, et al., | M C R 5363 |
| Sarah Williamson, et al.,  | M C R 4805 |
| Missie A. Collins,         | M C R 4806 |
| Lula Lee, et al.,          | M C R 5265 |

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

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

Said decision concludes as follows:

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

COPY.

M 0---2

Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Mamie Cheatham, Fattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Beanie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

Registered.

M.C.R. 5264

Muskogee, Indian Territory, November 8, 1902.

Mamie Cheatham,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge.

#215

No.

503

For Identification as a Mississippi Choctaw.

Meridian Miss., Dec 10 1902

Name <sup>Date</sup> *Marie Cheatham*

Age *29* Blood *1/8*

Post Office, *Yazoo City, Miss.*

Father: *Pleas Grear L*

Mother: *Susanna " L*

Claims through *mother*  
*husband Logan Cheatham L*  
*no claim for husband.*

Children:

Stenographer

*J. S. Niles*

Choctaw MCR 5265

Lula Lee

See MCR 4803

5265

5265

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Lula Lee for the identification of herself and two minor children, Ethel A., and Josie B., as Mississippi Choctaws.

Said Lula Lee, being first duly sworn, testified as follows:

APPEARANCES: S.A. Beadle, attorney for applicant,  
A.W. Jones, agent for applicant.

Examination by the Commission.

- Q What's your name? A Lula Lee.  
Q How old are you? A Twenty-eight.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A Born and raised there.  
Q All your life? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Ben Collins.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Louisa Collins.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother's side.  
Q Has your mother been before this Commission? A No sir, she hasn't but my grandma has.  
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.  
Q She has been before the Commission? A Yes sir.  
Q How much Choctaw blood has she? A She's half.  
Q What relation is your mother to Susanna Grear? A Sister.  
Q Full sister? A Yes sir.  
Q You are first cousin, then, of Manie Cheatham who has just been before the Commission? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A Joe Lee.  
Q Has he any Choctaw blood? A Not any.  
Q You don't claim for him, then? A No sir.  
Q How many children have you living? A Two.  
Q Give us their names and ages? A Ethel A., four--Josie B., two.  
Q Are these children both living with you at this time? A Yes sir.  
Q Are they both the children of yourself and Joe Lee? A Yes sir.  
Q This application, then, is for yourself and two minor children?  
A Yes sir.  
Q Has any application of any kind ever been made before today for you or these children for the purpose of establishing your rights as Choctaw Indians? A No sir, not any.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Lula Lee et al--2

- Q Do you understand that 14th article? A Yes sir.
- Q Were you present before the Commission and did you hear in full the examination of Hattie Richardson, your cousin, for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you know anything further as to whether any of your ancestors complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder, than she did? A No.
- Q If any of them ever got any scrip from the Government you ever heard of it? A No sir, never heard of it.
- Q You never heard of any of them ever having appeared before any of these Commissioners appointed under the acts of Congress approved between the years 1837 and 1842, did you? A No sir.
- Q You never did hear of any of your Choctaw ancestors ever having gotten any land or money from the Government? A No sir, never did.
- Q Did your grandmother, Amelia Johnson, appear before the Commission here at Meridian on the 15th day of February last? A Yes sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Not as I know of.
- Q Do you know of any old persons living who would likely know about that? A I know Mrs. Brown and an old gentleman by the name of Dennis Cooper--my grandmother submitted their evidence in her case.
- Q You have no witnesses here today? A No sir.
- Q And no written evidence to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Is there any further statement you desire to make in support of your application? A No sir.
- Q You don't speak or understand the Choctaw language? A No sir, I don't.
- Q Have you any brothers living? A No sir.
- Q Any brothers dead who left children? A I had one brother but he died before he left any children.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Missie Collins and Sarah Williamson, who was here in February.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--she has the features and facial expression of a negro and shows no indications of being possessed of Indian blood and does not speak or

Lula Lee et al--3

understand the Choctaw language. Her hair is somewhat inclined to be straight.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 22nd day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]* Deputy.



H O R 5265

COPY.

Muskogee, Indian Territory, May 26, 1903.

Lula Lee,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Missions of Choctaws:

|                            |            |
|----------------------------|------------|
| Amelia Johnson,            | H O R 4803 |
| Susannah Grear, et al.,    | H O R 4804 |
| Marie Sheatham,            | H O R 5204 |
| Hattie Richardson, et al., | H O R 5267 |
| Sarah Williamson, et al.,  | H O R 4805 |
| Hissie A. Collins,         | H O R 4806 |
| Lula Lee, et al.,          | H O R 5265 |

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 the Commission that the evidence herein is insufficient to determine the identity of

L 1-3

COPY.

Anselia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Riras Grear, Eugene Brown, Mamie Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bonnie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

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

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

M. C. R. 5265

COPY.

Muskogee, Indian Territory, November 8, 1902.

Lula Lee,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Name <sup>Date</sup> Lula Lee -

Age 28 Blood 1/4

Post Office, N. York City, Miss

Father: Gen. Col. Lee - d

Mother: Louisa " L

Claims through mother.  
Husband for Lee L  
No claim for

Children:  
Ethel H. Lee 4  
Josie B. 2

mother's mother = Amelia Johnson (1/2) L

Stenographer I. A. Niles

Choctaw MCR 5266

Annie Harris

See MCR 5268

17050

5266

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Annie Harris for identification as a Mississippi Choctaw.

Said Annie Harris, being first duly sworn, testified as follows:

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

Examination by the Commission.

- Q What's your name? A Annie Harris.  
Q How old are you? A Twenty-eight.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Clarksdale.  
Q What County? A Coahoma County.  
Q How long have you lived in Coahoma County? A Five months.  
Q Where did you live before that? A In Yazoo County.  
Q How long did you live in Yazoo County? A All my life.  
Q Is your father living? A Yes sir.  
Q What's his name? A Tom Wells.  
Q Is he the Tom Wells who appeared before the Commission here to-day just prior to your appearance? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Margaret Wells.  
Q Are you a full sister of Mary Cowan who has just appeared before the Commission? A Yes sir.  
Q You get your Choctaw blood through your father, do you? A Yes sir.  
Q Are you married? A Yes sir.  
Q Husband living? A Yes sir.  
Q What's his name? A Toby Harris.  
Q Has he any Choctaw blood? A No sir.  
Q Have you any children living? A No sir.  
Q This application, then, is for yourself only? A Yes sir.  
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Not as I know of.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.  
Q Did any of them live here at that time? A Yes sir, my grandfather.  
Q Your father's father? A Yes sir.  
Q What was his name? A Enos Reed.  
Q Where did he live? A Kemper County.

Annie Harris--2

- Q Did he live in Mississippi all his life? A Yes sir.  
Q How much Choctaw blood did he have? A Half.  
Q Through which one of his parents did he get his Choctaw blood?  
A His father.  
Q Do you know his name? A No sir.  
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.  
Q You never heard of any of your people ever having gotten any land here in Mississippi from the Government, did you? A No sir.

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

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

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana

Annie Harris--3

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 scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old papers, deeds, patents, or anything of that kind which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q You don't know of any such papers? A No sir.

Q Do you know of any old persons living who would likely be informed on this point? A No sir.

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

Q Have you any papers to offer? A No sir.

In case you should see fit to cause any witnesses to appear before the Commission to testify in support of your application they may appear before us here at Meridian at any time between now and the 30th of this month or with in a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi April 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.



M.C.R.5266

Muskogee, Indian Territory, September 2, 1902

Annie Harris,  
Clarksdale, Mississippi.

Dear madam:

You are hereby advised that on the 2nd day of September 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |            |
|---------------------------|------------|
| Tom Wells,                | M.C.R.5266 |
| America Williams, et al., | M.C.R.5456 |
| Mary Cowan, et al.,       | M.C.R.5267 |
| Emma Vincent, et al.,     | M.C.R.5459 |
| Annie Harris,             | M.C.R.5266 |

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

A N 2

evidence herein is insufficient to determine the identity of Tom Wells, American Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D.C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent, and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SIGNED

*Tame Dixby.*  
Acting Chairman.

registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5266

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, January 16, 1903.

Annie Harris,

Clarksdale, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Commissioner in Charge.

2000

No. 5256

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 15 1902

Date

Name Annie Harris

Age 28 Blood 1/8

Post Office, Clarksdale, Miss.

Father: Tom Will L

Mother: Margaret " L

Claims through father.  
Husband Toby Harris L  
no claim for him.

Children:

Stenographer

J. A. Niles

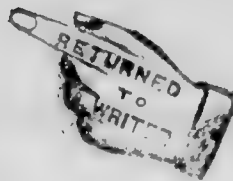
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Annie HARRIS,

Clarksdale, Mississippi.

1903,  
INDIAN TRIBES

1903

*[Handwritten signature]*

INDIAN CHAIRMAN.

5266

Choctaw MCR 5267

Mary Cowan

See MCR 5268

MCR 5267

5267

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Mary Cowan for the identification of herself and eight minor children, Flossie, D. C., Maggie E., Alma, Emma, Donnie E., Lincoln H., and Thomas C., as Mississippi Choctaws.

Said Mary Cowan, being first duly sworn, testified as follows:

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

Examination by the Commission.

- Q What's your name? A Mary Cowan.  
Q How old are you? A Thirty-five.  
Q How much Choctaw blood have you? A One-eighth, I reckon.  
Q What's your postoffice address? A Anding.  
Q What County? A Yazoo County.  
Q How long have you lived in Yazoo County? A All my life.  
Q Is your father living? A Yes sir.  
Q What's his name? A Tom Wells.  
Q Is he the Tom Wells who appeared here before the Commission just prior to your appearance? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Margaret Wells.  
Q Your mother has no Choctaw blood? A No sir, not as I know of.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A Obie Cowan.  
Q Has he any Choctaw blood? A Not as I know of.  
Q You don't claim for him then? A No sir.  
Q How many children have you? A Eight.  
Q What are the names and ages of these children? A Flossie.  
Q How old is she? A Thirteen.  
Q Next one? A D. C.  
Q How old? A Twelve.  
Q Next one? A Maggie E.  
Q How old? A Ten.  
Q Next one? A Alma.  
Q How old? A Eight.  
Q Next one? A Emma.  
Q How old? A Six.  
Q Next one? A Donnie E.  
Q How old is Donnie? A Four.  
Q Boy or girl? A Girl.  
Q Next one? A Lincoln H.  
Q How old? A Two.  
Q Next one? A Thomas C.  
Q How old? A Nine months old.  
Q Is that all? A Yes sir.  
Q Are these children all living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Obie Cowan? A Yes sir.



Mary Gowan et al--2

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

Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

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

Q Do you understand that 14th article? A I have heard you explain it several times today.

Q Do you think you understand it? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A No sir.

Q Are you sure of that? A Not as I know of.

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

Q Did any of them live here at that time, 72 years ago? A Yes sir, I reckon my grandfather was living here.

Q Your father's father? A Yes sir.

Q What was his name? A Enos Reed.

Q Do you know where he lived at that time? A No sir, I don't know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

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

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of, I never heard nothing of it if they did.

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

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to 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 ~~had~~ 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

Mary Cowan et al--3

years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

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

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

Q Never did? A No sir.

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

Q Do you know of any old person living who would likely be informed on this subject? A No sir.

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

Q Have you any written evidence of any kind to offer? A No sir, I haven't got any.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Do you speak or understand the Choctaw language? A No sir, I used to hear my pa talk it.

The applicant has the appearance of being possessed of a

Mary Cowan et al--4

mixture of negro and either white or Indian blood, in which  
the negro blood largely predominates.

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Ira S. Niles, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all proceedings had in the above entitled cause, heard at Meridian,  
Mississippi, April 15th, 1902, and that the above and foregoing is a  
full, true and correct transcript of his stenographic notes taken  
in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 22nd day of April, 1902,  
at Meridian, Mississippi.

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

By

*J. M. ...*

Deputy.

M.C.R.5267

COPY

Muskogee, Indian Territory, September 2, 1902.

Mary Cowan,  
Anding, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al, embracing the following applications for identification as Mississippi Choctaws:

|                           |            |
|---------------------------|------------|
| Tom Wells,                | M.C.R.5268 |
| America Williams, et al., | M.C.R.5458 |
| Mary Cowan, et al.,       | M.C.R.5267 |
| Emma Vincent, et al.,     | M.C.R.5459 |
| Annie Harris,             | M.C.R.5266 |

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

M C 2

the evidence herein is insufficient to determine the identity of Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Gallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D.C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent, and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.\*

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

Yours truly,

Registered.

*James Dixby*  
Acting Chairman.

COPY.

M.G.R. 3367

Muskogee, Indian Territory, January 16, 1903.

Mary Cowan,

Anding, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Commissioner in charge.

No. 5237

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 15 1902

Name Mary Cowan

Age 35 Blood 1/8

Post Office, Anding, Miss.

Father: Tom Wells L

Mother: Margaret Wells. L

Claims through father.  
husband Obre Cowan L  
no claim for husband.

Children:

- Flossie Cowan 13
- De " 12
- Maggie E. " 10
- Alma " 8
- Emma " 6
- Donnie E. " (F) 4
- Lincoln H. " 2
- Thomas C. " 9 mo.

Stenographer

J. S. Niles

Choctaw MCR 5268

Tom Wells

See MCR 5458, 5267, 5459  
5266

8762500W



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Tom Wells, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of-

|                           |            |
|---------------------------|------------|
| Tom Wells,                | N G R 5266 |
| America Williams, et al., | " 5488     |
| Mary Cowan, et al.,       | " 5267     |
| Emma Vincent, et al.,     | " 5489     |
| Annie Harris,             | " 5266     |

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

|                                                                                                        |    |
|--------------------------------------------------------------------------------------------------------|----|
| Original application of Tom Wells, for<br>identification as a Mississippi Choctaw.....                 | 1  |
| Ex parte affidavit of Austin Kelley.....                                                               | 7  |
| Original application of America Williams<br>et al., for identification as Mississippi<br>Choctaws..... | 8  |
| Original application of Mary Cowan, et al.,<br>for identification as Mississippi Choctaws.....         | 12 |
| Original application of Emma Vincent,<br>et al., for identification as Missis-<br>sippi Choctaws.....  | 16 |

Original application of Annie Harris  
for identification as Mississippi  
Choctaws.....18

Decision of the Commission refusing the  
applications in the consolidated case of  
Tom Wells, et al., applicants for iden-  
tification as Mississippi Choctaws.....21.

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5266

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Tom Wells for identification as a Mississippi Choctaw.

Said Tom Wells, being first duly sworn, testified as follows:

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

Examination by the Commission.

- Q What's your name? A Tom Wells.  
Q How old are you? A I reckon, sir, I'm about fifty-four or fifty-five.  
Q How much Choctaw blood have you? A About a quarter I reckon, according to the way I've been taught.  
Q What's your postoffice address? A Bentonia.  
Q What County? A Yazoo.  
Q How long have you lived in Yazoo County? A Been living there about thirty years.  
Q Where did you live before that? A Kemper County.  
Q How long did you live in Kemper? A I lived in Kemper and Neshoba about twenty odd years.  
Q Were you born in one of those Counties? A Born in Kemper County.  
Q And you lived in Kemper and Neshoba until you moved to Yazoo?  
A Yes sir.  
Q Were you a slave? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Enos Reed.  
Q Is your mother living? A No sir.  
Q What was her name? A Emily Wells.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father's side.  
Q How much Choctaw blood did your father have? A He claimed to be half.  
Q Was he a slave? A No sir, he wasn't a slave when I first knew him.  
Q Was he half negro and half Choctaw? A Yes sir.  
Q And he was a free man? A Yes sir.  
Q Were your father and mother married? A I don't know, sir--I reckon they were married according to the custom of marriage along that time.  
Q According to slave custom? A Yes sir.  
Q Did they live together as husband and wife? A Yes sir.  
Q How long? A I don't know, sir--they lived together until she moved to Neshoba about twenty odd miles and he didn't go down there.  
Q How many children did she have by him? A Only one.  
Q Just you? A Yes sir.  
Q You have no idea how long they lived together, then? A No sir.  
Q Do you speak the Choctaw language? A Yes sir, I used to be very apt at it when I was small but I've been away from them for thirty years.  
Q Did your father speak it? A Yes sir, he used to speak it.

Tom Wells--2

- Q How old would he be if he were living now? A About eighty years I reckon.
- Q Through which one of his parents did he get his Choctaw blood? A Through his father.
- Q What was his name? A I think his name was Bob Tubbee, as well as I can remember.
- Q Did you ever see him? A No sir.
- Q How much Choctaw blood did he have? A I think he was full blood.
- Q How did you ever hear about him? A I heard of him through my father and then I've heard the white man that raised me speak of him.
- Q Where did Bob Tubbee live? A He lived in Kemper.
- Q How long has he been dead? A I don't know, sir.
- Q What was your father's mother's name? A I don't know, sir.
- Q Was she a slave woman? A Yes sir, I guess so.
- Q Was this Indian married to her? A I don't know, sir.
- Q Did she ever have any other children by him besides your father? A No sir, I think he was the only one.
- Q Do you know whether they ever lived together as husband and wife? A No sir-I don't know.
- Q Do you know the names of any of Bob Tubbee's ancestors? A No sir-I knew some Indians in Neshoba County-I always thought from the way they talked they was some of his people but I don't know of my own knowledge any of his people.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Has she any Choctaw blood? A No sir.
- Q Whatsher name? A Margaret Wells.
- Q You make no claim for her, then? A No sir.
- Q Have you any minor children living? A No sir.
- Q This application, then, is for yourself only, is it? A Yes sir.
- 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 sir.
- Q This is the first application you have ever made to try to establish your rights, then? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir, I think I understand it; I've heard it explained several times.
- Q You have heard it explained by the Commission? A Yes sir.

I will go over it one more time. This treaty of Dancing Rabbit Creek was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of

Tom Wells----3

these Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

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

- Q Do you think you understand that now? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.
- Q You are quite sure of that, are you? A Yes sir, not as I ever knowed of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A No sir.
- Q Did any of them live here at that time to your knowledge? A My father was living here then.
- Q Where did he live? A He lived in Kemper County.
- Q Did he have a Choctaw name-your father? A He was called Enos Reed-they always gave him nicknames Cuffin.
- Q You don't know whether he owned an improvement here at that time, do you? A No sir, I don't know.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land, do you know about that? A Not as I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this treaty of Dancing Rabbit Creek? A Not that I know of.

Tom Wells--4

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

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to 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 and take land. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

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

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

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

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied with this treaty provision? A No sir.

Tom Wells--5

Q Have you any witnesses here today to testify in your case? A  
No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer at this time, any papers to offer? A Yes sir, I have papers but its only proof, though, that a man knew my father.

The affidavit of Austin Kelly is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

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

A No sir.

Q Have you any brothers living? A No sir, none by my father.

Q Have you any sisters living, full sisters? A No sir.

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

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

Q Are any of the children of any of your father's brothers or sisters living? A No sir, he never had any brothers or sisters to my knowing.

Q Have you any children living? A Yes sir, I got five.

Q What are the names of your five children? A Mary Elizabeth Cowans, Anna, Harris, America Williams, Henderson Wells, Emma Vincent.

Q Is that all your children? A Yes sir.

Q Have you any children dead who left children? A No sir.

Examination by Mr. Beadle:

Q Well, I want to read to you Section 22 of the Constitution of Mississippi of the year 1871: "All persons who have not been married but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law as married and their children, whether born before or after the ratification of this constitution, shall be legitimate and the legislature may by law punish adultery ~~and~~ or concubinage." Were you living with your wife when that constitution was made? A Yes sir.

Q How long before that date had you lived together as husband and wife? A I was married in '63.

Q How long did you live with your wife? A Until I left home.

Q You are living with her yet, then? A Yes sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates.

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

Tom Wells--6

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 21st day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]*

Deputy.



*Truh  
C.W.*

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

-----

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

|                           |             |
|---------------------------|-------------|
| Tom Wells,                | M.C.R. 5268 |
| America Williams, et al., | M.C.R. 5458 |
| Mary Cowan, et al.,       | M.C.R. 5267 |
| Rosa Vincent, et al.,     | M.C.R. 5459 |
| Annie Harris,             | M.C.R. 5266 |

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

It appears from record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Tom Wells for himself; by America Williams for herself, and her  
eight minor children, Albert, Joseph, Gibbs, Douglas, Ballie, Annie,  
Mary, and Margaret Williams; by Mary Cowan for herself and her eight  
minor children Flessie, D. C., Maggie E., Alma, Xema, Dennis E.,  
Lincoln H., and Thomas G. Cowan; by Rosa Vincent for herself and her

-2-

minor child Oliver Vincent; and by Annie Harris for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Bob Tubbee (or Hubbee), who is alleged to have been a full blood Choctaw Indian.

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

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 Bob Tubbee (or Hubbee) or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160), and August 23, 1842 (5 Stats., 513):

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D. C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Dannie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent, and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

McKeage, Indian Territory,

SFP 2 1902

M.C.R.5268

COPY.

Muskogee, Indian Territory, September 2, 1902.

Tom Wells,  
Bentonla, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |             |
|---------------------------|-------------|
| Tom Wells,                | M.C.R.5268, |
| America Williams, et al., | M.C.R.5458. |
| Mary Cowan, et al.,       | M.C.R.5267. |
| Ruma Vincent, et al.,     | M.C.R.5459. |
| Annie Harris,             | M.C.R.5266. |

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

T W 2

the evidence herein is insufficient to determine the identity of Ten Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D.C. Cowan, Maggie L. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent, and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

*James D. Dwyer*  
Acting Chairman.

Registered.

M.C.R. 5268.

Muskogee, Indian Territory, September 2, 1902.

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

Dear Sir:-

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |              |
|---------------------------|--------------|
| Tom Wells,                | M.C.R. 5268; |
| America Williams, et al., | M.C.R. 5458; |
| Mary Cowan, et al.,       | M.C.R. 5267; |
| Emma Vincent, et al.,     | M.C.R. 5459; |
| Annie Harris,             | M.C.R. 5266. |

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 Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Wil-

S. A. B., 2.

liams, Mary Cowan, Flossie Cowan, D. C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifications as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James Dixie.*  
Acting Chairman.

Registered.

M.C.R. 5268

Y.

Muskogee, Indian Territory, September 2, 1902.

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

Dear Sir:-

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |              |
|---------------------------|--------------|
| Tom Wells,                | M.C.R. 5268; |
| America Williams, et al., | M.C.R. 5458; |
| Mary Cowan, et al.,       | M.C.R. 5267; |
| Emma Vincent, et al.,     | M.C.R. 5459; |
| Annie Harris,             | M.C.R. 5266. |

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 Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams,



A. W. J., 2.

Mary Cowan, Flossie Cowan, D. C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SGM

*James H. ...*  
Acting Chairman.

Registered.

H.C.R. 5268

Muskogee, Indian Territory, September 2, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of September 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |             |
|---------------------------|-------------|
| Tom Wells,                | H.C.R. 5268 |
| America Williams, et al., | H.C.R. 5458 |
| Mary Cowan, et al.,       | H.C.R. 5267 |
| Mama Vincent, et al.,     | H.C.R. 5459 |
| Annie Harris,             | H.C.R. 5266 |

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

M., Mc & C., 2.

The evidence herein is insufficient to determine the identity of Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D. C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SPENCER

*Tame Dixby.*

Acting Chairman.

Muskogee, Indian Territory, September 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tom Wells, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 2, 1902.

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

|                           |            |
|---------------------------|------------|
| Tom Wells,                | M.C.R.5268 |
| America Williams, et al., | M.C.R.5458 |
| Mary Cowan, et al.,       | M.C.R.5267 |
| Emma Vincent, et al.,     | M.C.R.5459 |
| Annie Harris,             | M.C.R.5268 |

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

Respectfully,

James D. Doby,  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

MC R 5291, 5268,  
4820, 4821, 4822,  
4812, 5257, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Choctaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5268

Fannie D. Cessor et al., M C R 4820  
Daisy McGehee et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Dock Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5257

Consolidated case  
Adeline Morrison et al., M C R 5256

Consolidated case  
Mavery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in this consolidated

L. T. N.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

--:-- COPY --:--

DEPARTMENT OF THE INTERIOR,

Land,  
55,828-1902.

Office of Indian Affairs,

Washington, Dec. 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Tom Wells for himself; America Williams for herself and her eight minor children, Albert, Joseph, Gibbs, Douglas, Sallie, Annie, Mary and Margaret Williams; Mary Cowan for herself and her eight minor children, Flossie, D. C., Maggie E., Alma, Emma, Donnie E., Lincoln H., and Thomas C. Cowan; Emma Vincent for herself and her minor child, Oliver Vincent, and Annie Harris for herself, wherein a decision adverse to the applicants was rendered by the commission on September 2, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Bob-tubbee and Enos Reed.

The applicants claim that these ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

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

An examination of the records of this office has been made with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,

Commissioner.

(E.B.H.)

P.



D.C. 689

-:- COPY -:-

EAF.

ITD.7937-1902

DEPARTMENT OF THE INTERIOR,

L.R.S.

Washington,

January 5, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

September 2, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Tom Wells; of America, Albert, Joseph, Gibbs, Douglas, Sallie, Annie, Mary and Margaret Williams; of Mary, Flossie, D. C., Maggie E., Alma, Emma, Donnie E., Lincoln H. and Thomas G. Gowan; of Emma and Oliver Vincent, and of Annie Harris.

The applicants claim to be descendants of one Bob Tubbee (or Hubbee), alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Bob Tubbee or a less remote ancestor complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications September 2, 1902. Forwarding the papers December 19, the

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

Having carefully reviewed the whole record the Department hereby affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,  
Acting Chairman.

M.C.R. 5268

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by mail on the 2nd day of September, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R. 5868

Muskogee, Indian Territory, January 16, 1903.

Tom Wells,

Benton, Mississippi.

Dear Sir:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R. 5208

COPY.

Waskogee, Indian Territory, January 16, 1903.

S. A. Beadle,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*T. S. Beadle*  
Commissioner in charge.

CO M.C.R. 5208

Muskogee, Indian Territory, January 16, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

C. C. [Signature]  
Commissioner in charge.

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE

SEX

REFER TO M. O. R. 5268

*Tom Heels*

*et al.*

*Consolidated - Case*

Bob Tubbee, free  
 wife  
 slave

Enos Reed, 1/2, dead  
 wife  
 Emily Wells, dead

Tom Wells 54 1/4  
 wife  
 Margaret Wells

|              |                             |                       |
|--------------|-----------------------------|-----------------------|
| 7100<br>5708 | America Wells 38 1/8<br>mar | Albert Williams 14    |
|              | William Williams            | Joseph Williams 12    |
| 7100<br>5708 | Henderson Wells             | Gibbs Williams 11     |
|              |                             | Douglas Williams 8    |
|              |                             | Sallie Williams 1     |
|              |                             | Annie Williams 4      |
|              |                             | Mary Williams 2       |
|              |                             | Margaret Williams 1   |
| 7100<br>5708 | Mary Wells 35 1/8<br>mar    | Flossie Cowan 13      |
|              |                             | D. C. Cowan 12        |
| 7100<br>5708 | Ohio Cowan                  | Maggie Cowan 10       |
|              |                             | Alisa Cowan 8         |
|              |                             | Emma Cowan 6          |
|              |                             | Donna E. Cowan 4      |
|              |                             | Liu eun H. Cowan 2    |
|              |                             | Thomas C. Cowan 9 mo. |
|              |                             |                       |
| 7100<br>5708 | Emma Wells 30 1/8<br>mar    | Oliver Vincent 3      |
|              | Robert Vincent              |                       |
| 7100<br>5708 | Annie Wells 28 1/8<br>mar   |                       |
|              | Loby Harris                 |                       |

No. 1230

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 10 1902

Name Tom Wells

Age 54 Blood 1/4

Post Office, Bentonina, Miss.

Father: Enos Reed d

Mother: Emily Wells A

Claims through father  
wife Margaret Wells L  
no claim for wife

Children:

for only

Stenographer

J. J. Hiles



Choctaw MCR 5269

Alice Sessions

See MCR 5260

MCR 5269

5269

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 15th, 1902.

In the matter of the application of Alice Sessions for the identification of herself and three minor children, Richard, Charlotte and Sarah, as Mississippi Choctaws.

Said Alice Sessions, being first duly sworn, testified as follows:

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

Examination by the Commission.

- Q What's your name? A Alice Sessions.
- Q How old are you? A I was born on the 1st day of March, 1865.
- Q How much Choctaw blood have you? A One quarter.
- Q What's your postoffice address? A Yazoo City, Mississippi.
- Q What county? A Yazoo.
- Q How long have you lived in Yazoo County? A I was born there.
- Q Lived there all your life? A Yes.
- Q What's your father's name? A Wade Bell.
- Q Is he living? A Dead.
- Q Is your mother living? A Dead.
- Q What was her name? A Charlotte.
- Q Through which one of your parents did you derive your Choctaw blood? A Father.
- Q Did he live in Mississippi all his life? A Yes sir.
- Q Was he a slave? A Yes sir, born a slave--his mother was a slave.
- Q Was he a half blood Choctaw? A Yes sir.
- Q How old would he be if he were living now? A He would be between sixty-five and seventy, I guess.
- Q Do you know the name of his father? A No sir.
- Q Do you know the name of his mother? A No sir.
- Q Which one of them was a Choctaw? A His father.
- Q How do you know that he was a Choctaw? A His owners said that he was a Choctaw Indian--his father was.
- Q That's all you know about it, is it, what they say? A Yes sir.
- Q Do you know where your father's father lived? A No sir.
- Q Do you know whether he and your father's mother were married? A I guess they were married.
- Q Do you know about that? A No sir, I don't know whether they were married or not.
- Q Did your father ever have any brothers or sisters? A Not as I know of.
- Q Were your father and mother married? A I guess so, according to statement they made.
- Q Did your mother ever have any other children by him besides you? A No sir, not as I know of.
- Q Did they live together as husband and wife? A I guess so.
- Q Do you know about that? A I don't know.
- Q How old were you when your father died? A My father died about five years ago.
- Q How old were you when your mother died? A My mother died in '75.
- Q Was she living with your father when she died? A No sir.
- Q How long had they been separated? A I don't know, sir.
- Q Are you married? A Yes sir.

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- Q Is your husband living? A Yes sir.  
Q What's his name? A Joe Sessions.  
Q Has he any Choctaw blood? A No sir.  
Q You make no claim for him then? A No sir.  
Q How many children have you living? A Three.  
Q What are their names and ages? A Richard--he will be seventeen years old the 12th of this coming December.  
Q Next one? A He will be fourteen the 17th of this coming January.  
Q What's the name? A Charlotte.  
Q Next one? A The last one will be twelve on the 24th of this coming December.  
Q What's the name? A Sarah.  
Q Are these children all living with you now? A Yes sir.  
Q Are they all three the children of yourself and Joe Sessions?  
A Yes sir.  
Q This application then is for yourself and three minor children, is that right? A Yes sir.  
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think so.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A No sir, they never complied or received anything.  
Q What makes you think they didn't comply with the provisions or receive any benefits under that article--just because you never heard they did? A Yes sir--I never heard of their receiving anything.  
Q You think if they had complied with the provisions of this article or ever gotten any land under it you would have heard of it, do you? A Yes sir.  
Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know.  
Q Did any of them live here at that time, 72 years ago? A I guess their owners was here at that time.  
Q Your ancestors or forefathers? A I don't know about that.  
Q Did any of your Choctaw ancestors, your forefathers, remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this treaty of Dancing Rabbit Creek? A No sir.

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Q Are you sure of that? A I don't know of any of them getting any.

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

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

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

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

Q Do you know of any written evidence of any kind -any deeds, patents, or papers of any kind, which would show that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

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Q Do you know of any old persons living who would likely know whether any of your people ever complied with this treaty provision? A No sir.

Q Have you any witnesses here today? A I have three sworn affidavits.

Q Just some affidavits? A Yes sir.

Q What relation are you to Wade Bell who appeared before the Commission this morning? A I am his sister.

Q Full sister or half sister? A Half sister.

Q Same father you claim to have? A Yes sir.

Q Have you your affidavits with you? A I gave them to my lawyer.

Your lawyers can file your affidavits at a later date.

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

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

Q Did you ever have any? A No sir, only half brothers and sisters on my father's side.

This applicant has the appearance of being a full blood negro--she shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 21st day of April, 1902, at Meridian, Mississippi.

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

By *[Signature]* Deputy.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 15, 1902.

In the matter of the application of Wade Bell for the identification of himself and his seven minor children, Minnie, Leola, Thomas M., Mattie, Lillie C., Lola B., and Wade Jr., as Mississippi Choctaws.

Appearances:

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

Wade Bell, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Wade Bell.
- Q How old are you? A Fifty.
- Q How much Choctaw blood have you? A Quarter.
- Q What's your post office address? A Pickens, Mississippi.
- Q What county? A Holmes County.
- Q How long have you lived in Holmes County? A I am not living in Holmes County; I am living over the line of Holmes and Yazoo County.
- Q How long have you lived in Yazoo County? A Twenty years.
- Q Where did you live before that? A Madison.
- Q How long did you live there? A Bred and born there.
- Q You have lived in Madison and Yazoo Counties all your life? A Yes, sir.
- Q Were you a slave? A Yes, sir.
- Q Your father living? A No, sir.
- Q What was his name? A Wade Bell.
- Q Your mother living? A No, sir, she's dead.
- Q What was her name? A Adline.
- Q Through which one of your parents did you derive your Choctaw blood? A My father.
- Q How old would he be if he were living now? A I don't know how old he would be, only by what his owners told me, that is, he is sixty years old.
- Q If he was living now? A No, sir, I don't know how old he would be if he was living now, but - yes, sir, I suppose he would; they said he was the age of sixty.
- Q When did he die? A He died in the year '95.
- Q He would be about sixty seven years old, then? A Yes, sir.
- Q How much Choctaw blood did he have? A One quarter.
- Q Your mother had no Choctaw blood? A No, sir.
- Q Did your father live here in Mississippi all his life? A To my knowing, he did.
- Q Was he a slave? A Yes, sir.
- Q Through which one of his parents did he get his Choctaw blood? A From his father.
- Q What was his name? A I don't know his father's name.

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- Q How much Choctaw blood did his father have? A Claimed to be whole, so he says.
- Q You don't know anything about it at all? A I don't know just all about it; I don't propose to tell nothing more than what I do know.
- Q You never saw your father's father? A No, sir.
- Q Where did he live during his life time? A Who?
- Q Why, your father's father? A I don't know where he lived.
- Q Do you know the name of your father's mother? A Mary, he told me.
- Q Did your father ever have any brothers or sisters? A Yes, sir, he said he did.
- Q Full brothers and sisters? A One sister and one brother, but I never knew them, and I never seen them.
- Q Were your father's mother and father married? A Yes, sir.
- Q How do you know they were? A He said so.
- Q How long did they live together as husband and wife? A They lived together in slavery, and they were sold apart, but they never got back together any more.
- Q His father was sold away from his mother? A My father and my mother was sold away from each other, but still they were married.
- Q I had asked you about your father's father and mother? A No, sir, I don't know anything about that. I thought you said my father.
- Q You don't know whether they were married or not? A No, sir.
- Q Nor how many children they had? A No, sir, my father's father?
- Q And mother? A No, sir.
- Q You don't know the name of any one of your Choctaw ancestors further back than your father, then? A No, sir.
- Q Are you married? A Yes, sir.
- Q How many times have you been married? A Two.
- Q Have you any children by your first wife? A Yes, sir.
- Q Have you a wife living now? A The last one is.
- Q What's her name? A Mattie.
- Q Is she a Choctaw? A No, sir.
- Q You make no claim for her? A No, sir.
- Q How many children have you living? A Seven.
- Q How many of them are by your first wife? A Not nary one of the seven living.
- Q All the children living are your children by Mattie? A Yes, sir.
- Q What are the names of these children, and their ages? A Minnie.
- Q How old? A She's thirteen.
- Q Next one? A Twelve.
- Q What's the name? A Leola.
- Q Next one? A Thomas M.
- Q How old? A Eight.
- Q Next one? A Mattie; she is six going on seven.
- Q Next one? A Lillie G.; she is five years old, and Lela B. They are twins, both five.
- Q Next one? A Wade Jr., he is five months old.
- Q That all of your children who are living? A Yes, sir.
- Q Are they all living with you at this time? A Yes, sir.
- Q This application, then, is for yourself and seven minor children
- A Yes, sir.
- Q Were you married to Mattie under a license or according to the custom among slaves? A Yes, sir, a license.
- Q When? A It's been sixteen years or more.
- Q Where? A Yasse County.

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Q Who married you? A A preacher by the name of Elder Hart.  
Q Have you your license with you here today? A No, sir.

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

Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.

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

Q Do you understand that 14th article? A I don't know, sir, whether I do or not.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. 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 some conditions, a Choctaw who preferred to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

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



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

Q Do you think you understand that 14th article now? A I don't know, sir, thoroughly, whether I do or not.

In case a Choctaw who lived here seventy one years ago, when this treaty was made, decided to stay here and become a citizen of the States and take land under the 14th article, rather than move out to the new nation, he had the right to do so on certain conditions. First, he was required by the terms of that 14th article to let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and take land under that 14th article within six months from the time the treaty was ratified, or agreed to. This treaty was finally agreed to on the 24th day of February, 1831, so it was necessary for him to let the agent know within six months from that time; he was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each and every child in his family over ten years of age on the day the treaty was entered into, he was entitled to a half section, or three hundred and twenty acres of land, and for each and every child under ten years of age on the day the treaty was agreed to, he was entitled to a quarter section, or one hundred and sixty acres of land. The reservations for these children were required to adjoin the location of the parent, and these reservations must, in each instance, include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian after having this land reserved for him lived on it for five years from February 24, 1831, the day the treaty was ratified, in that case he was entitled to a grant in fee simple for the land; that is, the Government would give him a deed or patent to it, and it became the property of the Indian to dispose of at his will. The concluding clause of that 14th article provided that persons who claim under that article should not lose the privilege of a Choctaw citizen, but if they ever removed; that is, if they ever went out west to the new nation later, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaws by the Government of the United States under treaty stipulations.

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

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

Q Did any of them live here at that time, to your knowledge?  
A Not as I know of.

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

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 that, either.

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

Q

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

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

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the

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Government, they should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, ever get any of this scrip from the Government of the United States under this Act of Congress? A I don't know, sir, whether they did or not.

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

Q Do you know of any old persons living who would likely know about it? A No, sir, I don't.

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

Q Have you any written evidence to offer? A Yes.

The affidavit of Dr. W. H. Anderson is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q Who is Dr. W. H. Anderson, and where does he live? A Lives at Pickens, Mississippi.

Q Any relation to you? A No, sir, he is not related to me; he is a white man.

Q He was your father's owner? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 10th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

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

Q How many? A Four or five.

Q What are their names? A Willie Bell.

Q Next one? A Milton Bell.

Q Next one? A Wash Bell.

Q Next one? A Fayette Bell. That's all.

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

Q How many? A I have got three that will be here this evening, besides those smaller ones; I don't know the smaller one's names.

Q What are the names of your sisters who are of age, or married?

A One's named Alice Session, Chaney Jones.

Q Next one? A Lela Bell.

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- Q She is not married? A No, sir.  
Q Next one? A Emma George.  
Q Next one? A Carrie Bell. She's married, but I don't know her husband's name.  
Q Next one? A That's all a I have.  
Q Any brothers or sisters dead? A Yes, sir, got one dead.  
Q Brother or sister? A Sister.  
Q Did she leave children? A Yes, sir.  
Q With whom do they live? A They live with their father.  
Q What's his name? A John Smith.  
Q How many of the children are there living? A Two.  
Q What are their names? A One's name - I don't know their names, but there are two.  
Q Are any of your father's brothers or sisters living? A I don't know.  
Q Did he ever have any brothers or sisters? A He told me he had two, but I never seen them; don't know anything about them.  
Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being a negro, although his color and hair would indicate that he is possessed of some white or Indian blood; he does not speak or understand the Choctaw language, and has none of the characteristics of an Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of 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 23rd day of April, 1902.

*L. R. Massey*  
Clark U.S. Circuit Court,  
Southern District of Mississippi,

By *J. M. ...*

Deputy.

M C R 5269.

Muskogee, Indian Territory, August 9, 1902.

J.W. Sessions,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., wherein you state that your wife, Alice Sessions, and certain other persons are applicants to this Commission for identification as Mississippi Choctaws; that you expect to buy land this fall but do not want to make the purchase if you are to get a home in the Choctaw country. In conclusion, you ask when such allotment will be made,- how much land each applicant will be allotted?

In reply, you are informed that your wife, Alice Sessions, is an applicant to this Commission for identification of herself and her minor children as Mississippi Choctaws, and that her case has been consolidated and will be considered with the case of Wade Bell and certain other persons claiming descent from the same common ancestor, Wade Bell.

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

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several interested persons will be duly notified of such decision, and of the forwarding of the record to the Secretary of the Interior for review.

The status of the several persons in this consolidated case is that of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined.

Relative to your inquiry as to when allotments will be made, and to your locating a home in the Choctaw country, your attention is invited to the following provision of the act of Congress of May 31, 1900:

**\*Provided: That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment.\***

It is not believed that the benefits of this legislation will in any manner accrue to applicants for identification as Mississippi Choctaws until they have been duly identified as such by the Commission to the Five Civilized Tribes, and that the several persons included in this consolidated case are not at this time entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The agreement recently entered into between the government

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of the United States and the Choctaw and Chickasaw Nations as ratified by the act of Congress of July 1, 1902, further defines the limit of time in which duly identified Mississippi Choctaws must remove to and make settlement within the Choctaw-Chickasaw country in order to receive the benefits of such identification, such provision being 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 proof of such settlement within the Choctaw-Chickasaw country, and upon 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."

And further:

"When such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations."

As to the quantity of land each member of the Choctaw and Chickasaw Tribes is to receive as an allotment, the act of Congress

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of July 1, 1902, above referred to also provides that:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations."

This agreement is not effective at this time, being subject to ratification by the citizens of the two nations at a special election to be called by the chief executives of the tribes within one hundred and twenty days from July 1, 1902. We can not presume at this time to render you any opinion upon the probable identification as Mississippi Choctaws of the several applicants included in this consolidated case. We can only advise that the decision of the Commission will be rendered upon such evidence as is submitted in support of their several applications.

Yours truly,

Acting Chairman.



Muskogee, Indian Territory, February 5, 1903.

Alice Sessions,

Yazoo City, Mississippi.

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 Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Wade Bell, et al.      | H.C.R. 5260 |
| Chaney Jones, et al.   | H.C.R. 5295 |
| Alice Sessions, et al. | H.C.R. 5269 |
| Emma George, et al.    | H.C.R. 5296 |
| Lela Bell              | H.C.R. 5297 |

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

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

Said decision concludes as follows:

The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Leola Bell, Thomas M. Bell, Mattie Bell, Lillie C. Bell, Lela R. Bell, Wade Bell, Jr., Chaney Jones,

Alice Sessions,--2

Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Mero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela 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, it is the opinion of this Commission 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,

*O. L. ...*  
Commissioner in Charge.

Registered.

COPY. M.C.R. 5269

Muskogee, Indian Territory, May 20, 1903.

Alice Sessions,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on the 8th day of May, 1903, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 15 1902

Date

Name Alice Sessions

Age 37 Blood 1/4

Post Office, Yazoo City, Miss.

Father: Wade Bell d

Mother: Charlotte d

Claims through father  
husband for Sessions d  
no claim for him

Children:

- Richard Sessions 16
- Charlotte " 13
- Sarah " 11

Stenographer

H. Piles

Choctaw MCR 5270

Elizabeth Goodwin

MCR 5270

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

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**In the matter of the application of Elizabeth Goodwin,  
et al., for identification as Mississippi Choctaws. M.C.R. 5270.**

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

**Original application of Elizabeth Goodwin,  
et al., to the Dawes Commission for iden-  
tification as Mississippi Choctaws.....1**

**Decision of the Commission refusing the  
application of Elizabeth Goodwin, et al.,  
for identification as Mississippi Choctaws...7.**

-----|-----

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 19, 1902.

5270

In the matter of the application of Elizabeth Goodwin for the identification of herself and her three minor children, Kenneth, Hazel and Winfred Goodwin, as Mississippi Choctaws.

L.P.Hudson, att'y for applicant.

Elizabeth Goodwin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Elizabeth Goodwin.  
Q What is your age? A Thirty years.  
Q What is your post office address? A Holdenville, Indian Territory  
Q How long have you lived there? A One year.  
Q Where did you live before that? A Oklahoma.  
Q How long did you live in Oklahoma? A About five years.  
Q Where did you live before that? A Arkansas.  
Q Were you born in Arkansas? A No sir, in Texas.  
Q Where in Texas? A Bell County.  
Q How long did you live in Texas? A Fifteen years.  
Q And then went to Arkansas? A Yes sir.  
Q And lived there how long? A About eight years or more.  
Q Is your father living? A Yes sir.  
Q Is your mother-? A No sir.  
Q What is your father's name? A Charles Ramsey.  
Q What was your mother's name? A Martha Ramsey.  
Q You claim your Choctaw blood through whom? A Father.  
Q How much Choctaw blood do you claim? A 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 No sir.  
Q Have you proof of the marriage of your father and mother with you now? A No sir.  
Q Do you remember when they were married? A No sir.  
Q Where were they married? A In Texas.

- Q Know what place in Texas? A No sir, I don't.  
Q Were they married by a minister and under a license? A I don't know.  
Q Can you introduce proof of their marriage later if given time?  
A Yes, it can be got.

Reasonable time will be allowed for that purpose.

- Q What is your husband's name? A Edwin Goodwin.  
Q Is your husband living? A Yes sir.  
Q Is she a Choctaw Indian or white woman? A White woman.  
Q Do you make any claim for him? A No sir.  
Q Have you any children you want to make application for? A Yes, three.  
Q What is the name of the oldest? A Kenneth Goodwin.  
Q How old is he? A Nine years old.  
Q The next? A Hazel (girl).  
Q How old? A Seven years.  
Q The next? A Winfred- Boy--  
Q How old? A Four years.  
Q Is that all? A Yes sir.  
Q Is Edwin Goodwin the father of these children? A Yes sir.  
Q And they are all living with you at your home? A Yes sir.  
Q And you and your husband are living together as husband and wife?  
A Yes sir.  
Q Were you legally married by a minister? A Yes sir.  
Q Were either of you married before? A No sir.  
Q Is your name or the name of your Children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.  
Q You never heard that they were, did you? A No sir.  
Q If they were on the Choctaw tribal rolls it would not be necessary for you to make this application at the present time. A Well, they are not.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.  
Q 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 No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission at any time previous to this present application? A No sir.  
Q This is the first you ever did make? A Yes sir.  
Q You never have been admitted to citizenship in the Choctaw Nation with your children by any authority whatever have you? 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 think you understand that article of that treaty? A I am not sure.  
Q Would you like to have it explained to you? A It may be best.

A treaty is a compact in writing made between two or more Nations instead of between individuals; because it is between Nations this agreement in writing is called a treaty. Such a treaty as that



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 the treaty was the removal as far as practicable of all the Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty and then the treaty was signed and later on 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 Think you understand that article? A Yes, that's the way I thought it was.

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 --

Q Do the things that are enumerated in that article? A They never did.

By attorney--

Q Do you know whether they did or not? A No, I don't know.

By the Commission:

Q You want to say you don't know whether they ever did-- 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 Elizabeth Sanders.

Q What relation was she to you? A Grandmother.

Q How old would she be if living now? A I don't know.

Q Did she live in Mississippi or Alabama? A Yes, lived in Alabama.

Q Did she live in Alabama in 1830 and have a family there then?

A I don't know.

Q Did you ever hear that she lived in Alabama in 1830? A I don't remember.

Q Do you know of any Choctaw ancestors who lived in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.

Q How old would she be if living now? A I don't know.

- Q Where was she born and when? A I don't know.  
Q You don't know when she died? A I know about how long its been; about fifteen years.  
Q How old was she when she died? A I don't know.  
Q What I want to get at is this; can you give me the remotest kind of an idea of how old she was when she died? A She must have been between fifty and sixty; say sixty.  
Q If sixty-- she would be seventy five now-- she died fifteen years ago? A Yes, she has children sixty years old.  
Q Now did she live in Alabama and was she married while living there? A I don't know.  
Q You don't know whether she got her Choctaw blood from her father or mother? A No sir, I don't.  
Q And their names--? A I don't know; but her father's name was Sanders I suppose.  
Q Well, Sanders might have been her married name? A No, sir, that was her maiden name.  
Q She married whom? A William Ramsey.  
Q Can you tell anything at all about the residence of her father, Sanders? A No sir, I can't tell.

(Attorney for applicant states that her father is living down near Coalgate and we expect to get this evidence over here /later.)

- Q Has your father been before the Commission to be identified?  
A No sir.  
Q How old is he? A About fifty five.  
Q Where has he lived all his life? A I can't tell you where he was born. I think there in Mississippi or Alabama but I can't tell which; and think he went to Arkansas and from there to Texas and then back to Arkansas and then to the Indian Territory.  
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know whether they did or not.  
Q Did any of your Choctaw ancestors within six months 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 No sir, I don't know.  
Q Did any of your Choctaw ancestors go from the old Choctaw nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 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 under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.

The members of the Choctaw tribe of Indians who remained back in Mississippi and Alabama in the old Choctaw nation after the treaty of 1830 was ratified and after the Indians- most of them- had removed to the Indian Territory under the provisions of that treaty, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent within six

months after the ratification of the treaty and tell him that they wanted to take land in Mississippi in the old Choctaw Nation and stay 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 neglect to do so caused a great many Indians who had lands in the old Choctaw Nation to lose that land for it was taken from them with the improvements upon it by the Government and sold at Public Land Sale; this caused so much distress and so many complaints among the Indians 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 Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed rights or 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 Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi or Alabama in the old Choctaw Nation which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, and that he should receive a certificate to that effect; this 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 is the name of your relatives, if any, who have appeared before the Commission to be identified as Mississippi Choctaws.

A I am the first one of the family.

Q You have no relatives then who have appeared? A No sir.

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

Q Have you any documentary or other evidence you want to present now

G (Here L.P. Hudson asks for time to do so in the near future.)  
Granted.

Q Is there anything more you want to say- A I have said about all I know about it.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark skin and black eyes and black hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part 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 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry B. Davis*

Subscribed and sworn to before me this 13 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

Am. W.  
C. W.

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

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In the matter of the application of Elisabeth Goodwin,  
et al., for identification as Mississippi Choctaws. W.C.R. 5270.

--: 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  
Elisabeth Goodwin for herself and her three minor children, Kenneth,  
Hazel and Winfred Goodwin, 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 be-  
tween the United States and the Choctaw Nation, concluded September

(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Elisabeth Sanders, who is alleged to have been a Choctaw Indian (degree of blood not given).

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 Elisabeth Sanders signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

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

(3).

Elizabeth Goodwin, Kenneth Goodwin, Hazel Goodwin and Winfred Goodwin as Choctaw Indians entitled 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.

[Signature]  
Acting Chairman.

I. B. [Signature]  
Commissioner.

[Signature]  
Commissioner.

Muskogee, Indian Territory,

DEC 6 1907.

Miss. Cootaw R5270

Muskogee, Indian Territory, June 5, 1902.

H. F. Smith,

Box 258, Coalgate, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, in which you ask how much time is left for the registration of Mississippi Cootaws; that your wife is a one eighth wississippi Cootaw and that her cousing, Bettie Goodwin, of Holdenville, has been received by the Commission, and if the time has not expired you would like to make application for your wife.

In reply to your letter you are advised that it appears from our records that Elizabeth Goodwin, of Holdenville, on April 19, 1902, applied for the identification of herself and her minor children as Mississippi Cootaws. No decision has yet been reached nor opinion rendered as to their rights as Mississippi Cootaws, and their status is that of applicants for identification as Mississippi Cootaws whose rights in no manner have been determined.

You are advised that the rules and regulations of the Commission to the Five Civilized Tribes and the Department of the Interior require that each applicant must present himself in person



for examination, under oath, at which time a proper record is made of his claim, and until such personal appearance no consideration can be given an application.

The authority of the commission to identify so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 28, 1898;

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

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

The Commission will require of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw ancestors who resided in the old

H.E.S. 3

Choctaw Nation in Mississippi and Alabama in 1830, and complied with the provisions of the fourteenth article of the treaty of 1830 and whose claims under said article were favorably adjudicated.

If your wife desires to make application for identification as a beneficiary under the provisions of the fourteenth article of the treaty of 1830 above quoted, she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory. In view of the probability of some early date being fixed or agreed upon terminating the time within which the Commission can receive and consider applications of this character, it is suggested that if your wife anticipates making application she do so as early as practicable.

Yours truly,

Acting Chairman.

M C R 5270

COPY.

Muskogee, Indian Territory, December 6, 1902.

Elizabeth Goodwin,

Holdenville, Indian Territory.

Dear Madam:

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 Elizabeth Goodwin, 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 Elizabeth Goodwin, Kenneth Goodwin, Hazel Goodwin and Winfred Goodwin as Choctaw Indians entitled 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

E G E

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Wm. Stacy*

Acting Chairman.

Registered.

M C R 5270

OUT

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth Goodwin, 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 Elizabeth Goodwin, Kenneth Goodwin, Hazel Goodwin and Winfred Goodwin as Choctaw Indians entitled 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,

*James T. Fisher*  
Acting Chairman.

Muskegee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Elizabeth Goodwin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

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

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc.  
M. C. R. 5270.

Acting Chairman.

Land.  
76253--1902.

C O P Y.  
Department of the Interior,  
Office of Indian Affairs,  
Washington, March 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Elizabeth Goodwin, for herself and her three minor children, Kenneth, Hazel, and Winfred Goodwin, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony shows that the applicants base their claim to identification under this application, on their descent from Elizabeth Sanders, who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi at the time of the making of the treaty of 1830, through Charles Ramsey, her son, father of the principal applicant.

The Commission rejected the applicants December 6, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of the 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 name of Elizabeth Sanders and Charles Ramsey, 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

-2-

applied to the commission appointed to adjudicate the claims of those having rights as Choctaw Indians.

It is thereforerrespectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A.C. Tonner,  
Acting Commissioner.

(C.T.C. (E)).



D.C. 8586

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

RAF

ITD. 2596-1903.  
L R S

March 25, 1903.

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

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification of Elizabeth Goodwin and her minor children, Kenneth, Hazel and Winfred Goodwin, as Mississippi Choctaws, including your decision of December 6, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Elizabeth Sanders, who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Elizabeth Sanders complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting March 3, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department approves your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

M.C.R. 5270

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 25th day of 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 Elizabeth Goodwin, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

Chairman.

M.C.R. 5270

Muskogee, Indian Territory, April 2, 1903.

Elizabeth Goodwin,

Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Elizabeth Goodwin, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

CNF

*James H. ...*  
Chairman.

For Identification as a Mississippi Choctaw.

Date APR 19 1902

Name Elizabeth Goodwin,

Age 30. Blood 1/8

Post Office, Holdenville, I.T.

Father: Charles Ramsey, l.

Mother: Martha " d

Claims through father -  
husband Edwin Goodwin l., w.

No claim for husband.

Children:

Kenneth Goodwin, 9

Hazel " (F.) 7

Winfred " (M) 4

Claims for self  
and children -

H. B. Hains

State of

Choctaw MCR 5271

Oliver K. Posey

See MCR 5618

MCR 5271

Department of the Interior.  
Commission to the five Civilized Tribes.  
Muskogee, I.T. April 19, 1902.

3271

In the matter of the application of Oliver K. Posey for the identification of himself and his eight minor children, Oliver K., Isaiah T., Balah E., Gracey M., Dovey M., Henry H., Clarence and and Claudie Posey, as Mississippi Choctaws.

L.P.Hudson, att'y for applicants.

Oliver K. Posey being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Oliver K. Posey.  
Q What is your age? A I am forty seven.  
Q What is your post office address? A Maud, Oklahoma.  
Q How long have you lived there? A About six months.  
Q Where did you live before that? A Near Sacred heart for about five months.  
Q And before that where? A Indian Territory.  
Q Where- A Near Mill Creek, Chickasaw nation.  
Q Q How long did you live there? A About six years.  
Q How long did you live in the Indian Territory altogether? A About ten or eleven years.  
Q And before that wher did you live? A Arkansas.  
Q Where were you born? A In Tennessee.  
Q And moved from there to Arkansas? A Yes sir.  
Q How long did you live in Tennessee? A Well, I was quite small when I moved from Tennessee. About ten months old I think.  
Q How long did you live in Arkansas? A Till I was grown.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Warren Posey.  
Q What was your mother's name? A Sarah Posey.  
Q You claim through which parent? A Both.  
Q How much Choctaw blood do you claim to have? A About one eighth.  
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 Not that I know of.

Q Can you tell when and where your parents were married? A I can't tell when; it was in Tennessee.

Q What place? A I don't know what County; it was near Shelbyville I think.

Q By a minister and under a license? A I don't know which.

Q Have you proof of the marriage with you now? A No sir, all our records got burnt up in the time of war.

Q Do you think you could introduce proof of their marriage if given time? A I think so I don't know.

Reasonable time will be allowed for that purpose.

Q Is your wife living? A Yes sir.

Q What is her race? Is she white woman or part Indian? A I don't know.

Q Do you make any claim for her? A No sir.

Q What is her name? A Sarah Posey.

Q How many children under age have you and unmarried that you wish to make application for? A There's eleven.

Q What is the name of the oldest? A Oliver K. would be the first.

Q These are all living? A Yes sir.

Q How old is he? A He was born in 1889; thirteen years old.

Q The next? A Isaiah T.

Q How old is he? A Born in 1890; twelve years old.

Q The next? A Bulah E.--- B-u-l-a-h.

Q How old is she? A Ten; born in 1892.

Q The next? A G-r-a-c-e-y M.

Q Girl? A Yes; born in 1895; eight years old.

Q The next? A D-o-v-e-y M.

Q That's a girl? A Yes sir.

Q How old? A Seven years old.

Q Next? A Henry H.

Q How old? A Born in 1897; five years old.

Q The next? A The last two is Clarence and C-l-a-u-d-i-e, born in 1900; they are twins.

Q Boys? A Yes sir; they are both two years old.

Q That's eight children; is that right? A Yes sir.

Q How many children over age? A Well, there are eight more; there were ten more; but eight more living.

Q Are there - are they liable to make application here? A Yes sir.

Q Now give me the names and ages of your other children. A John W. Posey.

Q Married whom? A He married a Williams; I haven't got her-

Q Give the date of his birth. A Let-- 1874. Then Joseph Posey, born in 1876.

Q Married whom? A He married a Williams--- Katie Williams.

Q White? A Yes sir.

Q Next? A Sarah E. Moore.

Q She married---? A John Moore.

Q A white man? A Yes sir.

Q When was she born? A In 1877.

Q The next? A Mary V. Dear; she married R.S. Dear.

Q White man? A Yes sr.

- Q When was she born? A In 1879. Susan E. McKinley she married H.H. McKinley.
- Q White man? A Yes sir.
- Q She was born when? A 1882.
- Q Next? A William C. Posey.
- Q Married? A Yes sir, he married a McKinley, but I forget the wife's full name.; born in 1883. I may not get the man's names down just right but they can be corrected. Mattie L. Cates; she married John Cates.
- Q A white man? A Yes sir.
- Q She was born when? A In 1885.
- Q The next? A Penola V. Cates; she married Will Cates.
- Q White man? A Yes sir; she was born in 1887. That ends the married and over age ones.
- Q Have any of your children who died left descendants? A No sir, they was just little babies.
- Q Is Susan Posey the mother or all these children? A Yes sir those under age and over.
- Q You and she are living together as husband and wife? A Yes sir.
- Q And these children under age are living with you? A Yes sir.
- Q Were either you or your wife married previous to your marriage with each other? A No sir.
- Q Have you proof of the marriage of your wife and yourself? A No sir; I don't know whether I can get it or not.

Reasonable time will be allowed this applicant in which to prove if he can and desires the marriage of himself and wife.

By Attorney for applicant

- Q You ought to be able to prove that you were living together as man and wife. A Yes sir.

By the Commission:

- 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 Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application 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 for yourself and children to any authority whatever before this? A No sir.
- Q You never have been admitted with your children to citizenship in the Choctaw Nation by any authority whatever? A No sir.
- Q Do you now come before this Commission for the identification of yourself and minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.



- Q Understand that article of that treaty? A I don't know whether I do or not; I heard it read a little while ago.
- Q Would you like to have it explained further? A No sir.
- Q I can explain it as well as not if you like it. A I would like to hear it if it is not too irksome.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River on the 27th day of September 1830. The object of that treaty was to remove all the Choctaw Indians who lived in the old Choctaw Nation from that 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 Choctaws who stayed back in the old Choctaw Nation article fourteen was put into the treaty and then the treaty was signed and on the 24th February, 1831, was ratified. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not that I know of.
- Q What's the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Annie Biddie. I think that's the way its spelled. I am not sure whether there is another name to that, but it seems to me that it was Jenny Ann Biddie it came down through tradition.
- Q How much Choctaw blood did she have? A She was a half at least that's what I have been taught.
- Q What relation to you? A Great grandmother.
- Q Did she live in Mississippi in 1830? A I don't know sir.
- Q Did she live in Alabama? A Yes sir.
- Q In 1830? A I don't know whether in 1830.
- Q Don't know whether she was head of a family in Alabama in the old Choctaw Nation in 1830? A No sir.
- Q Do you know whether she claimed through her father or mother? A No sir. I don't know whp h.
- Q You say you claim through both parents. A Yes sir.

Q Is Annie Biddie or Jenny Ann Biddy your father or mother's ancestor? A She is the mother of Bartley Posey; Bartley Posey was the father of my father and son of Annie Biddie.  
Q Did Annie Biddie marry a Posey? A Yes sir.  
Q What was his name? A I don't know.

(Here attorney for applicant states that his father and mother were first cousins and Annie Biddie was the ancestor of both.)

Q Your father and mother were related? A Yes, first cousins.  
Q So, Annie Biddie was the ancestor of both? A Yes sir; she was the mother of Morning Posey and Morning Posey married a Rainwater.  
Q Your grandfather's name was Bartley Posey? A Yes sir.  
Q Did your father ever live in Mississippi or Alabama? A He lived in Alabama.  
Q How old would he be if living now? A Well, he was born in 1804 I think; our record was burned.  
Q In 1804 in Alabama your father was born? A Yes sir.  
Q Was he married in 1830? A I disremember their marriage date--I don't know; he would be twenty six years old. He was married at 26.  
Q Did he have a family living then? A Yes sir.  
Q Then he was the head of a family through whom you claim? A Yes sir.  
Q Your father living in Alabama and married in 1830 being the head of a family at that time would be the ancestor who had Choctaw blood through whom you claim? A Yes sir.  
Q How much Choctaw blood did Warren Posey have-- did he get from his father Bartley Posey, if you know? A I don't know.  
Q Was Bartley living in Alabama? A Yes sir.  
Q In 1830? A I don't know; I have heard father talk about him being in Alabama and living there.  
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 Not that I know of.  
Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians in 1833 to 1838? A Not that I know of.  
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 fourteen of the treaty of 1830? A Not that I know of.

The Indians who lived back here 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 of 1830 to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many 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 old Choctaw Nation mostly in Mississippi to lose both their land and the improvements on it; 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 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 by Congress for the same purpose under an act approved August 23, that year; 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 claimed any benefits under that article of that treaty? A No sir, I don't know of any.

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 also appeared that he had formerly held land in Mississippi which had been taken from him in the old Choctaw Nation by the Government 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 Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir; the Adcocks.

Q Who was Bartley Posey? A He was my father's father.

Q In the application made by some of your relatives the name of Barely Posey is given as the proper name of your ancestor; is that spelled properly? A No sir; it should be B-a-r-t.

Q Who was Mary McDougal? A Wife of Richard McDougal- and a double cousin to me.

Q Who was Clementine Fish? A Another double cousin of mine.

Q How is she related to your grandfather, Bartley Posey? A I don't as I can bring it down: under the Adcocks- married into the painwaters; they inter-married with the Adcocks some way.

Q Who was Maggie Johnson? A I don't know- lot of them children were born- I don't know anything about.

Q Who is Stephen A Fish? A One of the McDougal's children.

Q Who is Gaud Hull? A I don't know; Its a long time since we have been together.

Q Who is Maggie Kuykendoll? A I don't know.

Q Who is Alva McDougal? A I suppose Richard McDougal's son; that's some I don't know much about.

Q Who is Homer McDougal? A I don't know.

Q Who is Stephen N. Adcock? A That's the one we call Nixon; a double cousin of mine.

The case of Stephen N. Adcock, 4970, Mary McDougal et al. 4969 are here referred to as relatives of this applicant claiming through the same common ancestor.

Q Would you like to have all those cases of relatives of yours consolidated with yours under one consolidated case? A Yes sir.

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

Q Is there anything further you want to say in support of your claim? A I don't know that there is.

Q Have you any evidence you want to introduce now in support of your case? A

(Here L.P.Hudson, attorney for applicants, asks for time to file such evidence at a day in the near future. Granted.)

Applicant has the appearance and physical characteristics of being descended from white parentage; except he has a dark complexion; he has blue-gray eyes, gray hair formerly black; the peculiar shade of his skin more than anything else would indicate a strain of other blood than pure white and he claims it is Choctaw. The Commission is not prepared to say that he has no Choctaw blood. He does not understand the Choctaw language and has no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Is this lady here your sister? A Yes sir.

-His sister, Sarah Mathis who is here before the Commission at this time and intending to make application for identification as a Mississippi Choctaw has dark color, dark skin; her eyes are gray and she has black hair; she shows a strain of blood other than white which, in the opinion of the Commission, is Indian. She looks more Indian than her brother, the present applicant.

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 19, 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 13 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

Miss. Choctaw 4972  
Miss. Choctaw 5271

Muskogee, Indian Territory, May 23, 1902.

J. L. Desmond,

Sacred Heart, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, in which you ask if applications for identification as Mississippi Choctaws are being heard at Muskogee at this time; you also desire to know if L. A. Copeland and O. K. Posey have been registered as bona fide citizens.

In reply to your letter you are informed that the Commission is daily hearing applications for identification as Mississippi Choctaws at its office at Muskogee, Indian Territory.

You are advised that it does not appear from our records that any person by the name of L. A. Copeland has applied for identification as a Mississippi Choctaw, but Elizabeth Copeland, wife of Louis Copeland, on March 20, 1902, applied for the identification of herself and her seven minor children, Maud, Clayton, Walter, Lillie, Linnie, Estelle and Theodore Copeland, as Mississippi Choctaws. It also appears from our records that on April 19, 1902, Oliver K. Posey applied for the identification of himself and eight minor children, Oliver K., Isaiah T., Bulah E., Gracey M., Dovey M., Henry H., Clarence and Claude Posey, as Mississippi Choctaws. No decision has yet

J.L.D. 2

been reached nor opinion rendered relative to the rights of these applicants as Mississippi Choctaws. As soon as a decision is reached they will be advised of the action of the Commission.

If these are not the persons to whom you refer, and you will advise more fully concerning the full name, age, and address of the parties concerning whom you inquire, and such other information as would enable the Commission to identify them as applicants, the matter will receive further consideration.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, April 15, 1903.

Oliver K. Posey,  
Maud, Oklahoma.

Dear Sir:

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

|                               |              |
|-------------------------------|--------------|
| Henry N. Posey,               | M.C.R. 5618  |
| Sarah Mathis, et al.,         | M.C.R. 5276  |
| Lizzie Harger, et al.,        | M.C.R. 5639  |
| Warner W. Mathis,             | M.C.R. 5637  |
| Andrew Mathis,                | M.C.R. 5638  |
| Sallie Nichols, et al.,       | M.C.R. 5640  |
| Oliver K. Posey, et al.,      | M.C.R. 5271  |
| Sarah Etta Moore, et al.,     | M.C.R. 5602  |
| Mary V. Dear, et al.,         | M.C.R. 5601  |
| Susan Ettie McKinley, et al., | M.C.R. 5603  |
| William C. Posey,             | M.C.R. 5604  |
| Mattie L. Cates, et al.,      | M.C.R. 5599  |
| Penola V. Cates,              | M.C.R. 5600  |
| Mary McDougal, et al.,        | M.C.R. 4969  |
| Maggie Kuykendol, et al.,     | M.C.R. 5020  |
| Alva McDougal,                | M.C.R. 5021  |
| Homer H. McDougal, et al.,    | M.C.R. 5022  |
| Stephen N. Adcock, et al.,    | M.C.R. 4970  |
| Clementine Fish, et al.,      | M.C.R. 5016  |
| Maggie Johnston, et al.,      | M.C.R. 5017  |
| Stephen A. Fish,              | M.C.R. 5018  |
| Maud Hull,                    | M.C.R. 5019  |
| Elijah A. Posey, et al.,      | M.C.R. 5613  |
| Yancy A. Posey,               | M.C.R. 5617  |
| Nancy I. Mull,                | M.C.R. 5605  |
| Rosezetic Cherry, et al.,     | M.C.R. 5606  |
| Lula Reardon, et al.,         | M.C.R. 5620. |

Oliver K. Posey, --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 Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Callie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isalah T. Posey, Eulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Lancel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled 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."



Oliver K. Posey, —3

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

Respectfully,

*Tamo Bixby*  
Chairman.

Registered.

M C R 5271

Muskogee, Indian Territory, October 26, 1903.

Oliver K. Posey, M. D.,  
Maud, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23, 1903, by reference from the Secretary of the Interior. In your letter you make certain statements concerning your Choctaw ancestors and ask if you should remove to the Indian Territory until your rights as a Mississippi Choctaw are determined.

In reply you are informed that it appears from our records that on May 1, 1903, the record in your case was forwarded to the Secretary of the Interior, but up to the present time the Commission has not been informed of any departmental action taken thereon. As soon as the Commission is advised of the decision of the Secretary you will be duly notified thereof.

As to your removing to Indian Territory, you are informed it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M.O.R. 5271.

Muskogee, Indian Territory, December 11, 1903.

Oliver K. Posey,  
Maud, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th 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 Henry K. Posey et al, of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

*Tama Kirby*  
Chairman.

### For Identification as a Mississippi Choctaw.

Date APR 19 1902

Name Oliver K. Posey

Age 47 — Blood 1/8

Post Office, Maud, Okla.

Father: Warren Posey. d

Mother: Sarah " d

Claims through both parents -  
wife,  
Sarah Posey - l. -  
No claim for wife.

Children:

- |                  |     |
|------------------|-----|
| Oliver K. Posey. | 13  |
| Isaiah P. "      | 12  |
| Bulah E. "       | 10  |
| Gracey M. " (F)  | 8   |
| Noory M. " F     | 7   |
| Henry H. "       | 5   |
| Clarence " twins | } 2 |
| Claudie " "      |     |

Claims for self &  
children -

Stenographer H. S. Hains.

Choctaw MCR 5272

John W. Wilson

See MCR 5026, 5609, 5610  
5611

MCR 5272

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

-----0-----

In the matter of the application of John W. Willson, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                             |             |
|-----------------------------|-------------|
| John W. Willson, et al.,    | M.C.R. 5272 |
| Sarah J. Ballard, et al.,   | M.C.R. 5026 |
| William C. Willson, et al., | M.C.R. 5609 |
| Lydia N. Morrill, et al.,   | M.C.R. 5610 |
| May Smedley, et al.,        | M.C.R. 5611 |

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of John W.  
Willson, et al.

|                                                                                                                                   | (Page) |
|-----------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of John W. Willson, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----    | 1      |
| Original application of Sarah J. Ballard, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----   | 8      |
| Original application of William C. Willson, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws----- | 14     |
| Original application of Lydia N. Morrill, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----   | 19     |

|                                                                                                                                                                 |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Original application of May Smedley, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                      | (Page)<br>24 |
| Decision of the Commission refusing the applications<br>in the consolidated case of John W. Willson, et al.,<br>for identification as Mississippi Choctaws----- | 28           |

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 19, 1902.

5272

In the matter of the application of John W. Willson for the identification of himself and his wife, Nancy Willson, and his four minor children, Edward, Frank, Carrie and Lillie Willson, and his step-daughter, Armedia Acock, (an imbecile), as Mississippi Choctaws.

L.P. Hudson, attorney for applicants.

John W. Willson, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Willson. (W-i-l-l-s-o-n).  
Q What is your age? A Fifty five.  
Q What is your post office address? A Maus, Oklahoma.  
Q How long have you lived there? A About eight years.  
Q Is this your first application? A Yes sir.  
Q Where did you live before you lived there? A Texas; I come thro' Oklahoma proper to Texas.  
Q How long have you lived in Oklahoma altogether? A About twelve years.  
Q Where were you born? A In Missouri; in Polk County.  
Q You went from there where? A Texas.  
Q How old were you when you got into Texas? A I went to Texas in '70.  
Q You lived in Texas how long? A Until Oklahoma proper opened up. Except six years in the Indian Territory; I don't remember the dates.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A Elisha Willson.  
Q What was your mother's name? A Sarah Willson.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A Well, I don't know just how much I would be. Only what I would be entitled to.  
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 Not that I know of.
- Q Have you a wife living? A Yes sir.
- Q Is she the mother of the children you intend to apply for? A Yes sir.
- Q Is she a white woman or Indian? A Partly both.
- Q What kind of Indian? A Choctaw.
- Q Do you make any application for her? A I aim to; if I had a right to represent here
- Q What is her name? A Nancy Willson.
- Q How old is she? A About fifty three as well as I remember.
- Q How much Choctaw blood does she claim? A She is just like I am about the blood; she don't know; all I know about it is that we have have a daughter who has already been before the Commission here.
- Q What was your wife's father's name? A James Johnson.
- Q Is he living? A No sir.
- Q How much Choctaw blood did he have? A I can't tell you.
- Q Did he have any? A Yes, claimed it.
- Q Choctaw and white? A Yes sir.
- Q What was the mother's name? A Jane.
- Q Did she have any Choctaw blood or was she white? A I don't know.
- Q Is she living or dead? A She's dead.
- Q Are you living with your wife? A Yes sir.
- Q Have you any children that you want to make application for who are children of yourself and wife? A Yes, four.
- Q What is the name of the oldest? A Edward Willson.
- Q How old? A He is eighteen.
- Q Not married? A No sir.
- Q Any of them married? A None of them four; I have some children married.
- Q Give me the name of the next? A Frank, sixteen.
- Q Next? A Garris, fourteen.
- Q Next? A Lillie, twelve--12.
- Q Has your wife's father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
- Q What is this step-daughter's name you mentioned a while ago before the examination? A Almedia Acock. (A-l-m-e-d-i-a A-o-o-o-k.) She claims through her mother.
- Q And the same ancestors that her mother has? A Yes sir.
- Q Her father's name was what? A Isaac Acock.
- Q Her mother's name was what? A Nancy Willson it is now.
- Q How old is Almedia? A She is thirty nine.
- Q What is her condition that she is not able to be here and make application for herself? A She wouldn't be competent to make application for herself; she would probably go perfectly wild and get mad.
- Q She is not of sound mind? A No sir. She has been in an asylum for four years.
- Q And you consider her of unsound mind? A Yes sir.
- Q This application will be taken as made by you for her but the Commission would recommend before it passes upon this case that you forward a Doctor's certificate or statement of the mental condition of your step daughter. (Attorney says we can get it right here now from Dr. Posey who was just on the stand.)

Q How much Choctaw blood do you claim for Almedia? A I don't know.  
Q Do you claim her Choctaw blood through her mother for whom you are also making application now? A Yes sir.  
Q Was the mother of Almedia Acock ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q Do you know when and where your wife's father and mother were married? A No sir.  
Q You can't tell anything about that? A No sir.  
Q Have you proof of their marriage with you? A No sir.

Reasonable time will be allowed this applicant in which to introduce evidence of the marriage of the father and mother of his wife.

Q Is your name or the name of your wife or any of your children or of your wife's daughter, Almedia Acock on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either for yourself, your wife, or your children or this step-daughter, Almedia, to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you made application for citizenship in the Choctaw Nation to the Dawes Commission previous to this time for yourself or your wife or your children or your step child under the act of Congress of June 10, 1898? A No sir.  
Q Have you or your wife or any of your children or step child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Do you now come before the Commission to identify yourself, your wife, your children and your step child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Understand that article? A I don't know that I do.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; it was made for the purpose of removing all the Choctaw Indians in that Nation East of the Mississippi river to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Choctaws would refuse to go to the Indian Territory and in order to protect the interests of this class who stayed back article fourteen was put into the treaty of 1830. 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 ever

ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with any of the conditions of that article of that treaty or its provisions? 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 Brown I don't know his given name; I don't remember.
- Q What relation was he to you? A He was my great grandfather.
- Q Did he live in Mississippi or Alabama at any time? A I don't know. He lived in Tennessee.
- Q What is the name of your ancestor who had Choctaw blood and who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know.
- Q Well, did this great grandfather Brown ever live in Mississippi or Alabama? A I have been so informed.
- Q Where did he live in Mississippi or Alabama? A I don't know.
- Q Well, you have been informed that he did. A I have been informed that he was a Mississippi Choctaw; that's all I know.
- Q But I want to know if he lived in Mississippi, if you know. A I don't know if he ever lived there.
- Q How much Choctaw blood did he have? A You see, I don't know just how much Choctaw blood he did have. You see my mother told me all I knew about it; its been a long time she's dead.
- Q How old would she be if living now? A Close to a hundred.
- Q Where was she born? A I don't know.
- Q Did she claim through her father or mother? A She claimed through her grandfather I think; its Brown.
- Q Well, say which parent-- A Her mother I think.
- Q What was her mother's name? A Titerow-- I don't know how its spelled.
- Q Was that her maiden name? A No sir; her maiden name was Brown.
- Q Was this ancestor of yours, Brown, her father? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A I don't know, whether she did or not; I have heard my mother talk about her grandfather going back to Mississippi.
- Q You don't really know whether any of your ancestors lived in Mississippi or Alabama in 1830 and were heads of families there then? A I don't know, no sir.
- Q Did any of your Choctaw ancestors own any improvements on a land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay 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 article fourteen of the treaty of 1830?

A I don't know.

Q Did any of your wife's ancestors or the ancestors of this step-child own any improvements on land in Mississippi in 1830? A I don't know.

Q Did any of their ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your wife's ancestors or the child Almedia's ancestors own any land or claim any under article fourteen of the treaty of 1830? A Not that I know of.

Q What is the name of the ancestor of your wife through whom she claims her right to be identified as a -- A James Johnson.

Q What relation is he to her? A father

Q Can you go back no farther than that? A No sir.

Q Is he living? A No sir.

Q How old would he be if living now? A I don't know his age.

Q Did he live in Mississippi or Alabama? A I don't know whether he ever did or not. I have heard him talk about what transpired in Mississippi but I don't know whether he ever lived there.

Q You don't know whether he ever complied with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Whether he went to the United States Indian agent within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi take land there and become a citizen of the States? A No sir.

The Choctaw Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to Col. Ward who had an agency there in Mississippi at that time and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register, and as a result of his neglect a great many Choctaw Indians lost both their lands and improvements both were taken from them by the Government and sold; this caused a great many complaints among the Choctaw Indians so that in 1837 March 3, 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 also went to Mississippi and heard claimants under that article.

Q Did any of your ancestors, or your wife's or the ancestors of your step child go before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if it further appeared that he had had land in Mississippi or Alabama in the old Choctaw Nation which the Government had taken 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 to that effect; these were called scrip.

Q Did any of your ancestors or your wife's or your step child's receive any scrip as Choctaw Indians under that act of Congress of August 23, 1842? A Not that I know of.

Q Have you any relatives or your wife who have been before this Commission to be identified as Mississippi Choctaws? A daughter is all the blood kin that I know of.

Q What is her name? A Sarah Ballard

(reference is made to M.C.R. 5026).

Q Sarah Ballard, your daughter, has made application to be identified as a Mississippi Choctaw-- 5026--- claiming through both you and your wife-- but she gives only the name of--- A Jim Johnson ---

Q - as the ancestor through whom she claims; that's your wife's father? A Yes sir.

Q She says she claims through both parents but she only traces the ancestry to one. Do you want to have her case considered with yours and this case of your wife and the others you make application for today, so that all will be considered together? A Yes sir.

Q Do you know whether James Johnson through whom your wife claims and through whom Sarah Ballard claims lived in the old Choctaw there in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.

Q Do you know of any ancestor of your wife who did live in the old Choctaw nation in Mississippi or Alabama in 1830? And had a family there then? A No sir.

Q You cannot state positively that this ancestor of yours named Brown lived in the old Choctaw nation in Mississippi or Alabama in 1830 and was the head of a family? A No sir, I can't.

Q Did any Choctaw ancestor of yours? A No sir, I don't know; all I know about my ancestor is just what my mother told me; it has been years ago.

Q do you think you could introduce evidence showing that your ancestor lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and that the ancestor of your wife also lived in the old Choctaw nation in 1830 and was head of a family, if given time? A I don't know.

Q You haven't evidence here to show that, have you? A No sir.

Q Do you want time, Mr Hudson? (Attorney for applicant answers yes.)

Reasonable time will be allowed this applicant in which to show if possible a compliance on the part of his ancestors or ancestor of his wife, Nancy, with the provisions of article fourteen of the treaty of 1830. And particularly to show that either of them had an ancestor who had Choctaw blood who lived in the old Choctaw Nation

in 1830 and was the head of a family there then.

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, blue eyes, gray hair formerly very dark brown. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 19, 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 13 day of May, 1902.

*Charles H. Sawyer*

Notary Public.

COPY.

*C.W.*

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

-----0-----

In the matter of the application of John W. Willson, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                             |             |
|-----------------------------|-------------|
| John W. Willson, et al.,    | M.C.R. 5272 |
| Sarah J. Ballard, et al.,   | M.C.R. 5026 |
| William C. Willson, et al., | M.C.R. 5609 |
| Lydia N. Morrill, et al.,   | M.C.R. 5610 |
| May Smedley, et al.,        | M.C.R. 5611 |

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

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by John W. Willson for his wife, Nancy Willson, his four minor  
children, Edward, Frank, Carrie and Lillie Willson, and his in-  
competent step-daughter, Almedia Acock; by Sarah J. Ballard for  
herself and her minor child Summers Ballard; by William C. Willson  
for himself and his two minor children, Lanta and Ruby Willson; by  
Lydia N. Morrill for herself and her three minor children, Hallia,  
Walter and Lawrence Morrill; by May Smedley for herself and her  
three minor children, William, Curtis and Lucy Smedley 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 the applicant, John W. Willson, 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 Sarah Willson who is alleged to have been a Choctaw Indian, degree of blood not given; that the applicants, Nancy Willson and Almedia Acock, claim said rights by reason of being descendants of James ( or Jim) Johnson who is alleged to have been a Choctaw Indian, degree of blood not stated; and that all the other applicants herein claim said rights by reason of being descendants of both the above named ancestors.

The applicants claim that the mother and grand-parents of Sarah Willson were possessed of Choctaw blood and their surnames are given as Brown or Titerow, but in the absence of testimony as to their given names it is impossible for the Commission to determine whether or not they were beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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



in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 ( 29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sarah Willson, or James ( or Jim) Johnson, 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 John W. Willson, Nancy Willson, Edward Willson, Frank Willson, Carrie Willson, Lillie Willson, Alameda Acock, Sarah J. Ballard, Summers Ballard, William C. Willson, Lanta Willson, Ruby Willson, Lydia N. Morrill, Halia Morrill, Walter Morrill, Lawrence Morrill, May Smedley, William Smedley, Curtis Smedley and Lucy Smedley as Choctaw Indians entitled 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 Birby.*  
\_\_\_\_\_  
Acting Chairman.

*I. B. Needles.*  
\_\_\_\_\_  
Commissioner.

*C. R. Breckinridge*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

APR 13 1903.

M C R 5272

Muskegee, Indian Territory, January 6, 1903.

J. W. Willson,  
Maud, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th ultimo, in which you ask if it is necessary for you to move to the Indian Territory before the first day of February in order to receive an allotment.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to this time reached any opinion or decision in your case, but is now considering your application and it is probable that a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Relative to the time within which you should move to the

J. W. W.

Choctaw-Chickasaw country in order to receive an allotment, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and 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.

M.C.R. 5272.

Muskogee, Indian Territory, April 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Willson, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |              |
|-----------------------------|--------------|
| John W. Willson, et al.,    | M.C.R. 5272  |
| Sarah J. Ballard, et al.,   | M.C.R. 5026  |
| William C. Willson, et al., | M.C.R. 5609  |
| Lydia N. Morrill, et al.,   | M.C.R. 5610  |
| May Smedley, et al.,        | M.C.R. 5611. |

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Willson, Nancy Willson, Edward Willson, Frank Willson, Carrie Willson, Lillie Willson, Alamedia Acock, Sarah J. Ballard, Summers Ballard, William C. Willson, Lanta Willson, Ruby Willson, Lydia N. Morrill, Halia Morrill, Walter Morrill, Lawrence Morrill, May Smedley, William Smedley, Curtis Smedley, and Lucy Smedley as Choctaw Indians entitled 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., MoM. & C.,

-2-

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

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

M.C.R. 5272.

COPY.

Muskogee, Indian Territory, April 13, 1903.

John W. Willson,  
Naud Oklahoma.

Dear Sir:

You are hereby advised that on the 13th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Willson, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |              |
|-----------------------------|--------------|
| John W. Willson, et al.,    | M.C.R. 5272  |
| Sarah J. Ballard, et al.,   | M.C.R. 5026  |
| William C. Willson, et al., | M.C.R. 5609  |
| Lydia N. Merrill, et al.,   | M.C.R. 5610  |
| May Smedley, et al.,        | M.C.R. 5611. |

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 John W. Willson, Nancy Willson, Edward Willson, Frank Willson, Carrie Willson, Lillie Willson, Alamedia Acock, Sarah J. Ballard, Summers Ballard, William C. Willson, Lanta Willson,

Ruby Willson, Lydia N. Morrill, Halia Morrill, Walter Morrill, Lawrence Morrill, May Smedley, William Smedley, Curtis Smedley, and Lucy Smedley as Choctaw Indians entitled 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 Dixby*  
Chairman.

Registered.



Muskogee, Indian Territory, April 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John W. Willson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 18, 1903.

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

|                             |              |
|-----------------------------|--------------|
| John W. Willson, et al.,    | H.C.R. 5272; |
| Sarah J. Ballard, et al.,   | H.C.R. 5086; |
| William C. Willson, et al., | H.C.R. 5609; |
| Lydia H. Morrill, et al.,   | H.C.R. 5610; |
| Ray Bradley, et al.,        | H.C.R. 5611. |

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

Very respectfully,

(SIGNED)

Through the  
Commissioner of Indian Affairs.

Enclosure: H.C.R. 5272.

Chairman.

28514-1903.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, June 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental consideration record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons wherein a decision of rejection was entered by the Commission on April 13, 1903; John W. Willson for his wife, Nancy Willson, his four minor children, Edward, Frank, Carrie and Billie Willson, and his incompetent step-daughter, Almodia Acock; by Sarah J. Ballard for herself and her minor child, Summers Ballard; by William C. Willson for himself for himself and his two minor children, Lanta and Ruby Willson; by Lydia L. Merrill for herself and her three minor children, Halia, Walter and Lawrence Merrill; by May Smedley for herself and her three minor children, William, Curtis and Lucy Smedley.

The record in this case shows that the applicants base their claims to identification as Mississippi Choctaws on their descent from Sarah Willson, and the applicants Nancy Willson and Almodia Acock also base their claims on their descent from James Johnson. It is also claimed that the mother and grand-parents of Sam Willson were possessed of Choctaw blood their surnames being given as Brown

or Titerow. The witnesses claim that these ancestors were members of the Choctaw tribe of Indians but as to whether they were residents of the Choctaw Nation in Mississippi or Alabama in 1830 they are unable to definitely testify. They are also unable to testify positively as to whether these ancestors as heads of families had homes in the Choctaw Nation at that time, and complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year. They place their chief reliance for a successful outcome of their application on their descent from these ancestors who were of Choctaw blood.

The Commission rejected the applicants because its records failed to show that any of these ancestors named took any steps to comply with the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto.

An examination has been made of the records of this office with reference to the names of Sam Willson, James Johnson and Brown and Titerow, and it is ascertained that none of these names appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty or the subsequent legislation thereto.

There were two families of Johnsons the heads being George and Mary who did comply with the provisions of the 14th article of the Choctaw treaty and received land in pursuance of its provisions. This office has not the names of the children in these families except the name of Silas D. Johnson, son of George

-3-

Johnson. George Johnson had four children over and four under 10 years of age and Mary had two children under 10.

The applicants in this case are unable to give any definite information with reference to James Johnson but since they are unable to say that he was a resident of the Choctaw Nation in 1830, I am satisfied that this is not such a case as should be returned for further investigation but that the judgment of the Commission rejecting the applicants should be approved. I recommend accordingly.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

EBH-A.

D.C.17624-1903.  
LTD.4976-1903.  
RS.

(Copy)

WCF.  
DAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 29, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of John W. Willson, his wife, Nancy Willson, his minor children, Edward, Frank, Carrie and Millie Willson, and his incompetent stop-daughter, Almedia Acock; of Sarah J. Ballard and her minor child, Summers Ballard; of William C. Willson and his minor children, Lanta and Ruby Willson; of Lydia E. Morrill and her minor children, Malia, Walter and Lawrence Morrill; of May Smedley and her minor children, William, Curtis and Lucy Smedley. You refused the applications April 13, 1903.

The applicant John W. Willson claims rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being a descendant of Sarah Willson, his mother. The ancestors of Sarah Willson were named Brown or Titorow, given names not known to the applicant.

It is alleged that said ancestors were possessed of Choctaw Indian blood, degree unknown.

The applicants Nancy Willson and Almedia Acock claim said rights by reason of being descendants of James (or Jim) Johnson, who is alleged to have been possessed of Choctaw Indian blood, degree unknown. All the other applicants claim rights by reason of being descendants of said John W. Willson and Nancy Willson.

The evidence furnished by the record fails to show that any of the above named ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of Brown or Titerow or Sarah Willson, or James (or Jim) Johnson complied or attempted to comply with said article or acts.

There were two families of Johnsons who complied with the provisions of the fourteenth article of the treaty of 1830, the heads of said families being George and Mary.

Comparing the information furnished by the Indian Office with that furnished by the record in this office, the Department is of the opinion that the said James (or Jim) Johnson could not have been identical with either of the families by the name of Johnson who complied with article 14 of the said treaty.

Reporting June 8, 1903, the acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) E. A. HITCHCOCK,

Secretary.

1 inclosure.

M. C. R. 5272.

COPY

Muskogee, Indian Territory, July 14, 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 Missis-  
sippi Choctaws of the several persons included in the consolidated  
case of John W. Willson, et al., of which decision you were advised  
by mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

*T. D. Needles.*

Commissioner in Charge.

M. C. R. 5272.

COPY.

Muskogee, Indian Territory, July 14, 1903.

John W. Willson,  
Maud, Oklahoma.

Dear Sir:-

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 John W. Willson, et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

RECEIVED

*T. B. McClellan*

Commissioner in charge.



Consolidated Case  
of  
John W. Willson et al

5272

TRIBAL ENROLLMENT OFFICE  
Age Sex Blood Year County No. Name of Father Year County

CHOCTAW NATION.

X Brown — Brown (1/4?)  
mar  
— Titerow

Sarah Titerow (100?)  
mar  
Elisha Willson  
dead

men 5272  
John W. Willson (1/8?)  
55-

mar



James Johnson (dead)  
(or Jim Johnson  
wife  
Jane Johnson  
dead

men 5272  
Nancy Johnson 53-

men 5272  
Edward Willson 18  
" Frank " 16  
" Carrie " 14  
" Lillie " 12  
" Almedia Acock 39  
(imbecile step daughter)

+ father was Isaac Acock  
claims thro her mother  
Nancy Willson

men 5026  
Sarah J. Willson 34-1/2  
mar  
Mont Ballard  
-w-

men 5026  
Summers Ballard 5

men 5609  
William P. Willson 32-1/2  
wife  
Vena Willson

men 5609  
Lanta Willson 4  
" Ruby Willson 2

men 5610  
Lydia N. Willson (or 1/6?) 23-1/2  
mar  
Lon Morrill  
w

men 5610  
Halia Morrill 5  
" Walter " 4  
" Lawrence " 1 1/2

men 5611  
May Willson 19-1/2  
mar  
David Smedley  
-w-

men 5611  
William Smedley 4  
" Curtis " 1  
" Lucy " 2m

No. APR 10 1902

For Identification as a Mississippi Choctaw.

Date

Name John W. Willson.

Age 55 Blood Son's know.

Post Office, Mand. Okla +

Father: Elisha Willson, d

Mother: Sarah " d

Claims through mother  
wife -

Nancy Willson, 53, l.w. &  
Blood. Choct. Son's know

father James Johnson, d. Choct. & w.  
Know

mother Jane " d

she claims thro' father.

Children:

|                 |    |
|-----------------|----|
| Edward Willson, | 18 |
| Frank " "       | 16 |
| Carrie " "      | 14 |
| Lillie " "      | 12 |

Claims for step wife

and children & step child.

(wife's daughter.)

Almedia Acers, 39, don't know

father James Acers Blood

mother Nancy Willson (quantity)

(Non compos mentis)

Stenographer

Choctaw MCR 5273

James C. Birdsell

See MCR 5597

MCR 5273

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, I. T. May 19, 1902.

M C - 5273 -

In the matter of the application of James C. Birdsell,  
et al, for identification as Mississippi Choctaws.

L. P. Hudson appeared as Attorney for applicants.

James C. Birdsell, being duly sworn, testified as  
follows in addition to his evidence given before the Commission  
on April 19, 1902:

Examination by Mr. Hudson.

- Q. Mr. Birdsell, you remember having made application to the Commission on April 19, 1902, for identification as a Mississippi Choctaw? A. Yes, sir.
- Q. When you were on the stand you gave the name of your grandmother as Nancy Littlepage, did you not? A. Yes, sir.
- Q. Was that correct? A. No, sir.
- Q. What was the name of your grandmother? A. Nancy Green.
- Q. And who was her mother? A. Nancy Littlepage.
- Q. Then, instead of Nancy Littlepage being your grandmother she was your great-grandmother? A. Yes, sir.
- Q. Is that correct? A. That is correct.
- Q. What relatives of yours have appeared before the Commission today as Mississippi Choctaws? A. John Birdsell, my brother; Phoebe Gilmore, my sister; Bettie Cherry, my niece; Laura Gilmore, my niece, and Jessie Hornbuckle, my niece.
- Q. These people are all related to you as you have stated, are they? A. Yes, sir.

S. A. Apple, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 19, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

Subscribed and sworn to before me this May 27, 1902.

*Charles H. Sawyer*

*S. A. Apple*  
Notary Public.

Department of the Interior.  
Commission to the five Civilized tribes.  
Muskogee, I.T. April 19, 1902.

5273

In the matter of the application of James C. Birdsell for the identification of himself and his five minor children, Frank, Mary, Jessie, Josie and Ella Birdsell, as Mississippi Choctaws.

L.P.Hudson, attorney for applicant.

James C. Birdsell being sworn testified as follows:

Examination by the Commission:

- Q what is your name? A James C. Birdsell.  
Q What is your age? A Thirty three.  
Q What is your post office address? A Maud, Oklahoma.  
Q How long have you lived in Oklahoma? A Ten years  
Q Where did you live before that? A Chickasaw Nation.  
Q How long did you live in Indian Territory? A Three years.  
Q Where did you live before that? A Texas.  
Q Were you born in Texas? A Yes sir.  
Q Is your father living? A He is dead.  
Q And your mother? A She is ~~is~~ living.  
Q What was your father's name? A Rufus Birdsell.  
Q What is your mother's name? A Nancy Littlepage it was; Birdsell  
now.  
Q You claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother ever been recognized in any way or enrolled as a  
member of the Choctaw tribe of Indians by either the Choctaw tribal  
authorities or the authorities of the United States? A Not that I  
know of.  
Q Are you married? A Yes sir.  
Q Is this your first wife? A Yes sir.  
Q She is living and a white woman, isn't she? A Yes sir.  
Q What is her name? A Nancy Birdsell.  
Q Do you make any claim for her? A No sir.  
Q How many children have you? A Five.

- Q Give me the name of the oldest under age and unmarried. A Frank.  
Q How old? A Eleven.  
Q The next? A Mary.  
Q How old? A Eight.  
Q The next? A Jessie.  
Q Boy? A Girl.  
Q How old? A Six.  
Q The next? A Josie.  
Q H-o-s-i-e? A Yes sir.  
Q How old? A Four.  
Q Next? A Ella.  
Q Girl? A Yes sir; she's one.  
Q Is your wife, Nancy, the mother of these children? A Yes sir.  
Q Were you or she married before you married each other? A No sir.  
Q Are they living with you and your wife at your home? A Yes sir.  
Q Can you remember when you were married to your wife-- if you don't say so. A Yes sir.  
Q When? A In 1891.  
Q What day of the month? A I don't know exactly.  
Q Where? A Chickasaw.  
Q Have you proof of your marriage with you? A No sir.  
Q Can you introduce evidence of your marriage later if given time?  
A Yes, I think so.

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 the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the 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 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 you have ever made up to the present date? 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 Mississippi on the 27th day of September, 1830. The object of that treaty was to remove as far as practicable 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 could be signed it became known that a good many Choctaw Indians would not

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

- Q Do you understand that now? 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 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 Nancy Littlepage.
- Q How much Choctaw blood did she have? A One quarter it is claimed
- Q What relation was she to you? A This is my grandmother.
- Q You say Nancy Littlepage had one quarter Choctaw blood and you have one eighth; now that's not right. A --
- Q Either you have one eighth and she has another quantity or she is right and you are wrong. A It is my mother is claimed a quarter.
- Q Then your grandmother claimed what? A I don't know what.
- Q One half would be right if your mother had one quarter and you have an eighth? A Yes sir.
- Q How do you know she had a half Choctaw blood? A She taught me that- my mother did.
- Q Where was your mother born? A In Mississippi.
- Q At what place in Mississippi? A I don't know.
- Q When did she leave Mississippi- at what age? A I don't know.
- Q Where did she go to from Mississippi? A Texas.
- Q Has she lived in Texas since? A Well, she went from Texas to Oklahoma where she lives now.
- Q Did your grandmother, Nancy Littlepage, live in Mississippi? A I don't know.
- Q Don't you know whether she lived there in 1830 and was the head of a family there then? A No sir.
- Q Do you know the name of your Choctaw ancestors who lived in Mississippi or Alabama in 1830 and were heads of families there in that Nation in 1830? A No sir.
- Q Your mother was born in Mississippi? A Yes sir.
- Q What is her age now? A Sixty seven.
- Q Did she have any older brothers or sisters? A Yes, I guess so.



- Q How much older, do you know? A I don't know; she had several.
- Q 5, 6, 7, or 8 years older? A I don't know exactly. To answer correctly I don't know whether she had older brothers or sisters.
- 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 Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838 or 1840? A 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 stayed back there in the old Choctaw Nation in Mississippi and Alabama under the treaty and after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from its ratification and tell him that they wanted to stay in Mississippi, take land there and become citizens of the 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 do this caused a good many Indians who lived there and 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 at Public Land Sale. This caused so many complaints that in 1837 by an act approved March 3, that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830: in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, 1842, 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 article fourteen of the treaty of Dancing Rabbit Creek? 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 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 claimed they had in the old Choctaw Nation in Mississippi or Alabama and which the Government had taken from them? A I don't know.
- Q Have you any relatives that have been here claiming the right to be identified as a Mississippi Choctaw previous to your application today? A Not that I know of.
- Q Have you any evidence you want to introduce now? A (Here L.P. Hudson, attorney for applicant asks for time to file such in the near future; it is granted.)

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, a complexion which is now sunburnt, light hair and whiskers; he does not speak the Choctaw language and has 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 19, 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 13 day of May, 1902.

*Charles W. Sawyer*

Notary Public.

Muskogee, Indian Territory, April 10, 1903.

James C. Birdsell,

Maud, Oklahoma.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phoebe Ann Gilmore, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Phoebe Ann Gilmore, et al., | M.C.R.5597; |
| Henry W. Gilmore, et al.,   | M.C.R.5596; |
| Laura Gilmore,              | M.C.R.5594; |
| Bettie Cherry, et al.,      | M.C.R.5592; |
| James C. Birdsell, et al.,  | M.C.R.5273; |
| John William Birdsell,      | M.C.R.5598; |
| Jessie Hornbuckle,          | M.C.R.5595. |

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

J. C. B., 2.

the identity of Joseph Ann Gilmore, Mary Gilmore, Lucy Gilmore, Monroe Gilmore, Willie Gilmore, Nancy Gilmore, Robert Gilmore, Henry W. Gilmore, Edna E. Gilmore, Laura Gilmore, Bettie Cherry, Bertha Ellen Cherry, James C. Birdsell, Frank Birdsell, Mary Birdsell, Jessie Birdsell, Josie Birdsell, Ella Birdsell, John William Birdsell, and Jessie Hornbuckle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*Tams Bixby.*

Chairman.

Registered.

M C R 5273

COPY

Muskogee, Indian Territory, July 16, 1903.

James C. Birdsell,  
Maud, Oklahoma.

Dear Sir:

You are hereby notified that on the 27th 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 Phoebe Ann Gilmore et al., of which decision you were advised by registered mail on the 10th day of April 1903.

Respectfully,

*T. B. McCles*  
Commissioner in Charge.

M C R 5273  
M C R 5597

Muskogee, Indian Territory, October 17, 1903.

James C. Birdsell,  
Maud, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 12th, in which you ask that you and Phoebe Ann Gilmore be allowed to introduce further evidence in support of your claims.

In reply you are informed that it appears from our records that on June 27, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Phoebe Ann Gilmore, et al., of which your application is a part.

The Commission now considers this case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

M C R 5873

Muskogee, Indian Territory, April 7, 1905.

James C. Birdsell,

Maud, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, asking if you can introduce additional testimony and evidence in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In reply you are informed that on June 27, 1903, the Secretary of the Interior approved the Commission's decision of April 10, 1903, refusing your application, of which departmental action you were notified on July 16, 1903.

This case is considered closed, and the Commission is now without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR 11 1932

Name James C. Birdrell

Age 33 Blood 1/8

Post Office, Maud, Okla.

Father: Rufus Birdrell, d

Mother: Nancy " l.

Claims through mother:

wife, Nancy " l.w.

No claim for wife.

Children:

Frank Birdrell, 11

Mary " 8

Jessie " F 6

Josie " " 4

Ella " " 1

Claims for self & children

Stenographer J. G. Thomas



Choctaw MCR 5274

Ob Dunn

See MCR 41

MCR 5274

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 19, 1902.

5274

In the matter of the application of Ob Dunn for the identification of himself and his five minor children, Ura Lee, William F., Lillian T., Benjamin E. and John L. Dunn, as Mississippi Choctaws.

L.P.Hudson, attorney for applicant.

Ob Dunn being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ob Dunn.  
Q What is your age? A Forty three.  
Q What is your post office address? A Center, I.T.  
Q How long have you lived there? A About three months.  
Q Where did you live before that? A McGee, I.T.  
Q How long have you lived in Indian Territory? A Right at 15 months  
Q Where did you live before? A Texas.  
Q Where were you born? A In the State of Alabama.  
Q Then moved from there to what State? A Texas.  
Q At what age, do you know? A About thirty nine.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A John Dunn.  
Q What was your mother's name? A Lucinda Dunn.  
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 as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States 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 introduce that evidence later if given time? A I don't know.

Reasonable time will be allowed for that purpose.

- Q Well, don't you know whether your father was enrolled or made a Choctaw Indian or not? A I don't think he was.
- Q You never heard that he had? A No sir; I don't know anything about that.
- Q He never received any benefits as a citizen of the Choctaw Nation? A No sir.
- Q Do you know when and where your father and mother were married? A I have been told in Alabama. I don't know when or at what place.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Charlotte Jane Dunn.
- Q Is she living and a white woman? A Yes sir.
- Q No claim for her is there? A No sir, not that I know of.
- Q How many children---? A Five.
- Q Under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Ura Lee Dunn.
- Q How old? A Twenty years old.
- Q Girl? A Boy.
- Q The next? A William F.
- Q How old? A Eighteen.
- Q Next? A Lillian T.
- Q How old is Lillian? A Sixteen.
- Q Any others? A Benjamin E.
- Q How old is Benjamin? A Fourteen years old.
- Q Next? A John L.
- Q How old is John L.? A Twelve years old.
- Q That's all, isn't it? 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-- no, they are not.
- Q Is Charlotte J. Dunn the mother of these children? A Yes sir.
- Q And they are living with you and your wife at your home? 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? A 1882.
- Q What day of the month? A August 12.
- Q By a minister and under a license? A Yes sir.
- Q Have you proof of that marriage with you now? A No sir.
- Q Can you get it later and introduce it here? A Yes sir.

(Reasonable time will be allowed for that purpose.)

- Q Have you ever made application for yourself and children 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 Have you ever made application to any authority whatever for yourself and children previous to this present application for citizenship? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

The Choctaw Indians who, previous to 1830 lived in the old Choctaw nation, East of the Mississippi River were harassed and their rights encroached upon by the inhabitants of the State of Mississippi, and in order to better their condition the United States Government desired to remove them from the old Choctaw nation in Mississippi or Alabama to the Territory over which the Government had complete control. The treaty of 1830 was made to remove those Indians from that old Nation to the Choctaw nation, Indian Territory. Most of the Indians were willing and did afterwards go to the Western country under the treaty. But before the treaty could be signed it became known that a good many Choctaws preferred to stay back there in the old Choctaw nation and live the best way they could and not desiring to change. In order to protect their interests an article was put into the treaty for the benefit of those who stayed back. That article was put into the treaty and the treaty was signed and afterwards was ratified. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A 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 Malinda Yates. That's my grandmother.

Q She married whom? A John Dunn, my grandfather.

Q Was he a white man? A Yes sir.

Q How much Choctaw blood did Malinda have? A I am not able to tell I don't know positively.

Q Well, you claim a sixteenth; you ought to be able to figure it some way; if you know how much you are you ought to know how much your ancestor had.

Q You claim through your father? A Yes sir.

Q And you claim one sixteenth, is that right? A Yes sir.

Q Then your father had an eighth? A Yes sir.

Q And he claimed through Malinda Yates, didn't he? A Yes sir.

Q Well, if he was an eighth, she was a quarter, is that right? A Yes I reckon its so.

- Q It is got to be right if you are a sixteenth? A Yes sir. That's correct; I had never figured it out.
- Q Did Malinda Yates or Malinda Dunn live in Mississippi or Alabama in 1830? A I don't know.
- Q Did she live in either Mississippi or Alabama? A Yes sir.
- Q Where? A In both States; in Mississippi and Alabama both.
- Q Don't you know whether she lived there seventy two years ago and had a family there then? A No sir; I don't.
- Q You don't know yourself? A No sir.
- Q Where did your father live ~~from~~ his life down from his birth?
- A In Alabama.
- Q Always? A Yes sir.
- Q Did there? A Died there.
- Q Did he live in the old Choctaw nation in Alabama, do you know?
- A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months 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 or claim any land 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 Indians who stayed in the old Choctaw nation refusing to go to the 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, Col. Ward, within six months from the time of the ratification of that treaty and tell him that they wanted to take advantage of it, wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and his failure to do so caused a good many Indians who had land in Mississippi and Alabama upon which they had improvements to lose both- they were taken from them by the Government and sold. This caused so many complaints that in 1837 by an act approved March 3, that year, a Commission was appointed which went to Mississippi, and heard claimants under article fourteen of that 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 Commissions and claim benefits as Choctaw Indians? A I don't know.
- Q Do you know whether any of your Choctaw ancestors received any scrip or certificates 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 the old Choctaw nation, principally in Mississippi, and which the Government had taken from them and sold? A I don't know.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir. John H. Dunn and Ed Dunn.

The case of John H. Dunn-- No.42-- is referred to.

Q Do you speak the Choctaw language? A No sir.  
Q Is there any tother evidence you want to introduce in this case? (L.P.Hudson, attorney asks leave to file such at an early date.) (Granted.)

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, complexion sunburnt dark brown hair and lighter brown mustache; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestor 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 19, 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 13 day of May, 1902.

*Charles McHenry*

Notary Public.

Muskogee, Indian Territory, February 17, 1903.

Ob Dunn,

Center, Indian Territory.

*7/103 Remailed to Tishomingo, IA  
 c/o T. L. Wright  
 atty at law*

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                     |        |      |
|-------------------------------------|--------|------|
| Amanda I. Dunn,                     | M.C.R. | 41   |
| Annie Catherine Colclasure, et al., | M.C.R. | 43   |
| John H. Dunn, et al.,               | M.C.R. | 42   |
| Mollie C. Little, et al.,           | M.C.R. | 5569 |
| William H. Dunn, et al.,            | M.C.R. | 5015 |
| Henry E. Dunn, et al.,              | M.C.R. | 4998 |
| John H. Fraley, et al.,             | M.C.R. | 5894 |
| William A. Fraley, et al.,          | M.C.R. | 5015 |
| Ida F. Moore, et al.,               | M.C.R. | 5896 |
| Mollie J. Perrymore, et al.,        | M.C.R. | 5895 |
| John Fraley, et al.,                | M.C.R. | 6053 |
| George W. Fraley,                   | M.C.R. | 6054 |
| Martha M. Thomas, et al.,           | M.C.R. | 4834 |
| William Thomas,                     | M.C.R. | 4836 |
| Milton Thomas,                      | M.C.R. | 4837 |
| George M. Thomas,                   | M.C.R. | 4838 |
| William Been, et al.,               | M.C.R. | 4675 |
| McClelland Been,                    | M.C.R. | 4833 |
| Jenettie M. Lathrum, et al.,        | M.C.R. | 4835 |
| William W. Lee, et al.,             | M.C.R. | 5567 |
| Otis Lee, et al.,                   | M.C.R. | 4967 |
| Ines G. Curley, et al.,             | M.C.R. | 5541 |
| Ob Dunn, et al.,                    | M.C.R. | 5274 |
| Arlena M. Kreipke, et al.,          | M.C.R. | 6219 |
| John F. Zachery,                    | M.C.R. | 6220 |
| Irene J. Zachery, et al.,           | M.C.R. | 6217 |
| Anna Belle Zachery,                 | M.C.R. | 6218 |

These applications were made under the provision of the act of Congress of June 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 Amanda I. Dunn, Annie Catherine Cololasure, Jennie Cololasure, Ottie Cololasure, Gracie Cololasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icail Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Ines G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that



Ok Dunn, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie O. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered.\*

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

Respectfully,

(SIGNED)

*Tamm Parke*

Acting Chairman.

Registered.

M C R 5274

Muskogee, Indian Territory, May 1, 1903.

T. L. Wright,  
Attorney at Law,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask to be advised the status of the Mississippi Choctaw case of O. B. Dunn, et al.

In reply to your letter you are informed that it appears from our records that Ob Dunn made application to this Commission for the identification of himself and his five minor children, Ura Lee, William F., Lillian T., Benjamin E. and John L. Dunn, as Mississippi Choctaws; said application being made a part of the consolidated Mississippi Choctaw case of Amanda I. Dunn, et al.

On February 17, 1903, the Commission rendered its decision refusing the applications of the several applicants included in this consolidated case, and on the same date they were notified by registered mail of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to offer arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days from February 17, 1903, heretofore granted in this case, expired on March 4, 1903. On March 5, 1903,

T L W S

the record in this case, together with the decision refusing the applications of the several applicants included therein, was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him.

The letter of the Commission notifying Ob Dunn of the refusal of his application was mailed to him at his last known post office address, Center, Indian Territory, and was returned to this office as "unclaimed." The same has this day been remailed him at Tishomingo, Indian Territory.

Respectfully,

Chairman.

Dec. 7- 1903

But over copies of testimony  
to be found in this  
Jacket.

Chas. W. Wright -  
Law Clerk

COMMISSIONERS:  
TAMM BERRY,  
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. 5274

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

Ob Dunn,

Center, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,



Chairman.

COMMISSIONERS:  
TAMM BIKBY,  
THOMAS B. NEEDLES,  
C. E. BRACKINRIDGE.  
WM. O. BEALL,  
Secretary.

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

*W. O. B.*

|                                   |
|-----------------------------------|
| REPORT IN REPLY TO THE FOLLOWING: |
| M C B 5274                        |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 14, 1905.

O. B. Dunn,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, asking to be advised what disposition has been made of your application for identification as a Mississippi Choctaw.

In reply you are informed that on August 15, 1904, the Secretary of the Interior approved the Commission's decision of February 17, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Amanda I. Dunn, et al., of which your application is a part, and of which departmental action the several applicants were duly notified on August 27, 1904.

The Commission now considers this case closed, and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,



Commissioner in Charge.

MCR-5274

Muskogee, Indian Territory, October 15, 1906.

O. B. Duan,

Icon Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant relative to designating the prospective allotments of yourself and minor children who are applicants for identification as Mississippi Choctaws.

In reply to your letter it appears that the application made by you for the identification of yourself and minor children as Mississippi Choctaws has been refused both by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

Inasmuch as there does not appear to be any motion now pending for review or reconsideration of your case the Department's action of August 15, 1904, adverse to you, is considered final and no prospective allotments can at this time be designated by you and your children.

Respectfully,

Commissioner.

Copy of the testimony of  
Ob Dunn, et al., M.C.R. 5274  
with papers in the matter of the  
disbarment of Louis P. Hudson.

G.R.

7/1/1902.



No. 5771

For Identification as a Mississippi Choctaw.

Date

Name *Ob. Nunn.*

Age *43* - Blood *1/16*

Post Office, *Center, I.T.* <sup>*(Chickasaw)*</sup>  
<sub>*Nation*</sub>

Father: *John Nunn, d*

Mother: *Lucinda " d*

*Claims through father —*  
*wife Charlotte J. Nunn, (w.)*  
*No claim for wife.*

Children:

*Ura Lee Nunn M 20*

*William F. " 18*

*Lillian D. " 16*

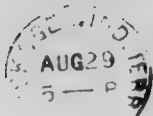
*Benjamin E. " 14*

*John L. " 12*

*Claims for self  
and children*

Stenographer *A. S. Haine*

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOCOE, IND. TER.



*General Office*  
*M. C. R. 5274*



~~Ob Dunn,~~

Center, Indian Territory.

UNCLAIMED

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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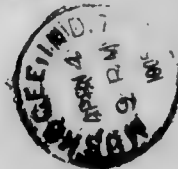
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SHAWMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

5274

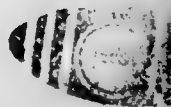
O. B. Dunn,



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Choctaw MCR 5275

William F. Snow

MCR 5275

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

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In the matter of the application of William F. Snow, et al., for identification as Mississippi Choctaws, M.C.R. 5275.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of William F. Snow, et al.

|                                                                                                                                 | Page |
|---------------------------------------------------------------------------------------------------------------------------------|------|
| Original application of William F. Snow, et al., before the Dawes Commission for identification as Mississippi Choctaws.....    | 1    |
| Decision of the Commission refusing the application of William F. Snow, et al., for identification as Mississippi Choctaws..... | 7    |

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 19, 1902.

5275

In the matter of the application of William F. Snow for the identification of himself and his four minor children, Lucy L., Lucinda, Luella and William T. Snow, as Mississippi Choctaws.

L.P.Hudson, attorney for applicant.

William F. Snow being first duly sworn testified as follows:

Examination by the Commission:

- Q what is your name? A William F. Snow.  
Q What is your age? A Thirty eight.  
Q what is your post office address? A Center, I.T.  
Q How long have you lived in Center? A About one year.  
Q Where were you born? A Texas.  
Q How long did you live in Texas before you moved from there? A  
A About two months; no, two years.  
Q Then you went where? A To Missouri.  
Q Lived there how long? A About twenty five years. I guess.  
Q From there you went where? A Back to Texas.  
Q Then you went where? A Came to the territory and went back again.  
Q And have lived in the Indian Territory how long last past? This--  
A Just about a year the last time.  
Q Is your father living? A No sir.  
Q Is your mother-- A She is living.  
Q What was your father's name? A William F. Snow.  
Q What is your mother's present name-- now? A Lucy Bartholomew.  
Q She married again? A Yes sir.  
Q Through whom do you claim your Choctaw blood? A My great grand-  
mother.  
Q Do you claim through your mother, no, my father.  
Q How much Choctaw blood do you claim? A One eighth.



- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q When were your father and mother married? A In 1863.
- Q Where were they married? A In Texas.
- Q By a minister and under a license? A Yes sir.
- Q Do you know what day of the month they were married,? A No sir.
- Q Have you the license and certificate with you now? A No sir.

Reasonable time will be allowed you to prove marriage of your father and mother.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Martha F. Snow.
- Q Is she a white woman and living? A Yes sir.
- Q You make no claim for her then? A No sir; I have four children.
- Q What is the name of the oldest? A Lucy L.
- Q How old is she? A Eight years old.
- Q The next? A Lucinda.
- Q How old is she? A She is six.
- Q Next. A Luella.
- Q How old? A Four.
- Q Next? A William T.
- Q How old? A One year.
- Q You claim for yourself and children? A Yes sir.
- Q Is Martha F. Snow the mother of these children? A Yes sir.
- Q Is she living with you now and are the children living at home with you? A Yes sir.
- Q Were either you or she ever married before you married each other? A No sir.
- Q Have you evidence of the marriage with you with your wife? A No sir.
- Q You can produce that later, can you? A Yes sir.

Reasonable time for that purpose will be given.

- 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 for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Your childrens' names are not on any of the rolls/ are they? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or 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 to any authority whatever previous to this present application? A No sir.

Q Do you come before the Commission at this time to be identified as Mississippi Choctaws and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

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

Q Do you understand article fourteen of the treaty of 1830? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; the object of that treaty was to remove all the Choctaw Indians from that old Choctaw Nation to the Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation and in order to protect the interests of those who stayed back article fourteen was put into the treaty; the treaty was then signed and afterwards ratified on the 24th February, 1831. It reads as follows: "Each Choctaw head of a family being desirous to become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 now, well enough to claim under it? 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 is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Brashears; B-r-a-s-h-e-a-r-s--- I think that's right.

Q What relation was she to you? A My great grandmother.

Q How much Choctaw blood did she have? A She was full blood.

Q Was Nancy Brashears her maiden name? A Yes sir.

Q Whom did she marry? A William Snow.

Q A white man? A Yes sir.

Q Did she live in Mississippi in 1830 or in Alabama? A I don't know whether she was dead then or not.

Q Never heard? A No sir.

- Q Do you know of any Choctaw ancestors who did live in Mississippi or Alabama in 1830 and was the head of a family there then? A --
- Q If you have heard it in the family you can say so, as constituting a matter of family tradition. A I don't remember that you know.
- Q Well, you claim through your father? A Yes sir.
- Q How old would your father be if living now? A He was born in 1842; he would be about sixty two.
- Q Where was he born? A In Alabama.
- Q Did he have any older brothers and sisters? A I don't know.
- Q Do you know whether his father and mother were living in Mississippi-- or in Alabama for ten or fifteen years previous to the time when he was born? A I don't know.
- Q Never heard? A No sir.
- Q You have no way of establishing the fact that your parents were living and had a family of children in the old Choctaw Nation in Mississippi or Alabama seventy two years ago? A No sir.
- Q Do you know through whom your father claimed? A Through his father.
- Q What was his name? A Levi Snow.
- Q Do you know whether he lived in Mississippi or Alabama in 1830? A No sir, I don't.
- Q Was he a son of Nancy Snow-- nee Brashear s? A Yes sir.
- Q You don't know whether she lived in Mississippi or Alabama in 1830 and had a family there? A No 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.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830 or any time before that? 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? Ever hear that? A No sir; 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 1835 to 1838 or 1840? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw nation in Mississippi or Alabama after the treaty of 1830 was ratified and after the other Indians had gone to the Territory were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Col.

Ward failed to put upon his register; 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 so many complaints among the Choctaw Indians especially among those who lost their land that Congress appointed a Commission approved March 3, that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under 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.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek if it also further appeared that he had had land in the old Choctaw nation, principally in Mississippi, which had been taken from him 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 certificates to that effect should be given to him; these 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 appeared before this Commission claiming through the same common ancestor? A None that I know of.

Q There have been a great many claimants before the Commission claiming through Nancy Brashears and you don't know whether any of these people are relatives of yours? A No sir.

Q You are not able to trace your relationship down to a common ancestor? A I don't know that now.

Q Do you propose to look into that matter? A Yes sir.

Q Do you want any time in which to look into this matter and furnish other evidence?

(L.P.Hudson, attorney for applicant asks for time to introduce written evidence in the near future. Granted.)

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

Q You claim one eighth Choctaw blood, do you? A Yes sir.

Q Are there any other members of your family- brothers or sisters?

A No sir, I have none.

Q You have no kin at all? A Not on the Snow side.

This applicant has the appearance and physical characteristics of being descended from white parentage- at least composed in large part of white blood, but his dark skin, hazel brown eyes and almost bron hair would indicate a strain of other blood which he says is

Choctaw Indian. The Commission is not prepared to say that he has not Indian blood; it may be that he has the quantity that he claims; his mustache is reddish brown; he is darker than most applicants who claim the quantity of Choctaw blood which he claims; it may be that the blood which he has other than white is Spanish or Mexican, but he says that it is Choctaw Indian blood. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 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 19, 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 17 day of May, 1902.

*Charles H. Lawrence*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 24, 1903.

--:--

M C R 5275.

In the matter of the application of William F. Snow, et al.,  
for identification as Mississippi Choctaws.

In accordance with departmental letter of March 7, 1903 (I.T.D. 1524-1903), returning the record theretofore forwarded the Department in the above case, with the recommendation that the applicants therein be granted further opportunity to introduce additional evidence in support of their claim; the Commission on March 25, 1903, notified the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations that the Commission would at its office at Muskogee, Indian Territory, up to and inclusive of Friday, April 24, 1903, hear additional evidence in support of this case.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, April 24, 1903, this case being set for hearing on that date, and said case being called, there was no appearance on the part of the applicants, nor by the attorneys for the Choctaw and Chickasaw Nations.

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Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on April 24, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 25th day of April, 1903.

*Charles H. Sawyer*

Notary Public.

Off  
Cover

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

-----

In the matter of the application of William F. Snow, et al., for identification as Mississippi Choctaws, H.C.R. 3275.

--: 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 William F. Snow for himself and his four minor children Lucy L., Lucinda, Emma and William T. Snow, under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and 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 Nancy Snow, nee Brashears, who is alleged to have been a full blood Choctaw Indian.

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

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



-2-

evidence herein is insufficient to determine the identity of William Y. Snow, Lucy L. Snow, Lucinda Snow, Luella Snow and William T. Snow, as Cheatew Indians entitled to rights in the Cheatew lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tamo Birbu.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 23 1902

COPY.

M O R 5275

Muskegee, Indian Territory, October 23, 1902.

William F. Snow,  
Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William F. Snow, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William F. Snow, Lucy L. Snow, Lucinda Snow, Luella Snow and William T. Snow, as Choctaw Indians entitled 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."

**W Y E E**

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

Respectfully,

(SIGNED)

*Tamc Dixby.*  
Acting Chairman.

Registered.

COPY

M C R 2275

Wadagee, Indian Territory, October 23, 1902.

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

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William F. Snow, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William F. Snow, Lucy L. Snow, Lucinda Snow, Luella Snow and William T. Snow, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M MCK & C S

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)

*[Signature]*  
Acting Chairman.

COPY.

M C R 5275

Muskogee, Indian Territory, November 8, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William F. Snow, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 23, 1902.

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

Respectfully,

*Tame Dixey.*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 inclosure. M C R 5275

M C R 5537  
M C R 5538  
M C R 5275

Muskogee, Indian Territory, January 6, 1908.

Dr. T. A. Bartholomew,  
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th ultimo, in which you state "We went on the security for W. H. Snow and for W. W. Manning and helped Mr. Neal. Mr. L. P. Hudson was their attorney." You further state that the parties named gave their note to Mr. Hudson and that he is now crowding them for his money. You ask to be advised the present status of their cases and what chance they have of getting lands in the Choctaw-Chickasaw country.

In reply to your letter you are informed that it appears from the records of the Commission that Calvin Neal and W. W. Manning are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws. No opinion or decision has yet been reached in these cases, but the Commission is now considering their applications and it is probable that a decision will be rendered in the near future, and the applicants duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. At the present time the applicants in these cases occupy the status of applicants

Dr. T. A. B.--2

for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Relative to any right they may have to hold land in the Choctaw and Chickasaw Nations, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and 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."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that the persons included in the cases herein referred to would not at this time be entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.



Dr. T. A. B.--3

The records of the Commission further show that William F. Snow made application to this Commission for the identification of himself and minor children as Mississippi Choctaws; that the Commission on October 23, 1902, rendered its decision refusing his application and on the same date he was notified by registered mail of the action of the Commission. On November 8, 1902, the record in this case was forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

(COPY)

D.C. 6797.

JWH  
FHE

DEPARTMENT OF THE INTERIOR.

I.T.D. 1524-1903.  
L.R.S.

WASHINGTON, March 7, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
Gentlemen:

November 8, 1902, you transmitted the record in the case of William F. Snow (M.C.R. 5275), applicant for the identification of himself and his four minor children, Lucy L., Lucinda, Luella and William T. Snow, as Mississippi Choctaws, including your decision of October 23, 1902, which was adverse to the applicants.

The principal applicant, whose degree of Choctaw blood is 1/8th, was born in 1864. He traces his Choctaw descent through his father, William F. Snow, who was born in 1842 in Alabama. The latter obtained his Choctaw blood from his father, Levi Snow, who is the son of Nancy Brashears.

You rejected the applications on the ground that the records of the Government in your possession failed to show that any of the alleged ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830 or with the subsequent acts relating thereto.

Reporting in the matter February 10, 1903, the Acting Commissioner of Indian Affairs stated that an examination of the records of his office disclosed the fact that there were several families of Brashears who received land under the 14th article of the treaty of 1830, and also several heads of families of the same name who received land under the 19th or other articles of said treaty, but that the records of his office show only the number of children in the Brashears families who complied with the provisions of the 14th article and not their names. In said report he recommends that your decision be approved, for the reason that the name of Nancy Brashears Snow does not appear among the list of those persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, but that the applicants be furnished with a copy of his letter, and notified that they may make application for a reopening of their claims on submitting further evidence relative to the family of Nancy Brashears.

Prior to said report, the Indian Office furnished the Department with a

"Schedule of those Choctaws who received land under the provisions of the 14th Article of the Treaty of 1830, by remaining upon the land five years, in accordance with the Provisions of that Article."

The following entries appear in said schedule:

"Brashears, Rachel,  
Head of family; received 1&1/4 sections land;  
one child under 10 (Alabama)."

"Brashears, Alexander,  
Head of family; received 4 sections of land;  
2 children over 10, 5 under.  
(Alabama)."

"Brashears, Zadock, Jr.,  
Head of family; received 2 sections land;  
1 child over 10, 2 under. (Alabama)."

"Brashears, Delilah,  
Head of family; received 3&1/4 sections land;  
3 children over 10, 3 under.  
Afterwards married David Wall.  
Five of her children were  
Joseph, Charity, Susan, Sarah and Betsey."

It is possible that the ancestors of these applicants were members of the Brashears families who complied with the 14th article as heretofore shown. A satisfactory conclusion cannot be reached, however, without further information relative to the family history of said applicants. It is therefore desired that you furnish the principal applicant with a copy of your rules for taking testimony, and inform him that he will be allowed thirty days in which to furnish additional testimony in support of this claim. In so doing, you are requested to advise him that the question of identity is the paramount one in the case, and that it will accordingly be necessary for him to show as nearly as possible the age, residence, and names (Indian as well as English), of his ancestors, at the same time informing him that there were four persons of the name of Brashears, who, as heads of families, did as a matter of fact comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, for themselves and for their children.

The case is herewith remanded for appropriate action in accordance with above instructions. The record is returned, and

-4-

a copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) F. L. Campbell.  
Acting Secretary.

2 inclosures.

(COPY)

Land  
67816-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, February, 10, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William F. Snow, for himself and four children, Lucy L., Lucinda, Luella and William T. Snow, wherein a decision adverse to the applicants was rendered by the Commission on October 23, 1902.

It appears from the evidence in this case that the applicants base their claim to identification by reason of their being descendants of one, Nancy (Brashears) Snow, who, it is claimed was a Choctaw Indian and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties

on the ground that its records fail to show that Nancy Snow nee Brashears, or any ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that there were several families of Brashears who received land under the 14th article, and several heads of families of the same name received land under the 19th or other articles. This office has upon its records only the number of children in the Brashears families whom complied with the provisions of the 14th article, and not their names.

It is recommended that the decision of the Commission rejecting these parties be approved for the reason that the name of Nancy (Brashears) Snow does not appear among the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, but that the applicants be furnished with a copy of this letter and notified that they may make application for a reopening of their case on submission or showing of further evidence as to the family

of Nancy Brashers.

Very respectfully,

(Signed) A. C. Tonner,  
Acting Commissioner.

E.D.H. H'r.

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3 enclosures.



COPY.

Muskogee, Indian Territory, March 25, 1903.

William F. Snow,  
Center, Indian Territory.

Dear Sir:

The Secretary of the Interior, with his letter of March 7, 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 Secretary of the Interior in his letter states:

\*Reporting in the matter February 10, 1903, the Acting Commissioner of Indian Affairs stated that an examination of the records of his office disclosed the fact that there were several families of Brashears who received land under the 14th article of the treaty of 1830, and also several heads of families of the same name who received land under the 19th or other articles of said treaty, but that the records of his office show only the number of children in the Brashears families who complied with the provisions of the fourteenth article and not their names. In said report he recommends that your decision be approved, for the reason that the name of Nancy Brashears Snow does not appear among the list of those persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, but that the applicants be furnished with a copy of his letter, and notified that they may make application for a re-opening of their claims on submitting further evidence relative to the family of Nancy Brashears.

W F S 2

Prior to said report, the Indian Office furnished the Department with a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the Treaty of 1830, by remaining upon the land five years, in accordance with the Provisions of that Article.'

The following entries appear in said schedule:

- 'Brashears, Rachel,  
Head of family; received 1&1/4 sections land;  
one child under 10 (Alabama).'
- 'Brashears, Alexander,  
Head of family; received 4 sections land;  
2 children over 10, 3 under.  
(Alabama).'
- 'Brashears, Zadock, Jr.,  
Head of family; received 2 sections land;  
1 child over 10, 2 under. (Alabama).'
- 'Brashears, Delilah,  
Head of family; received 3&1/4 sections land;  
3 children over 10, 3 under.  
Afterwards married David Wall.  
Five of her children were  
Joseph, Charity, Susan, Sarah and Betsey.'

It is possible that the ancestors of these applicants were members of the Brashears families who complied with the 14th article as heretofore shown. A satisfactory conclusion cannot be reached, however, without further information relative to the family history of said applicants."

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, April 24, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the claim of

W F S 3

yourself and minor children to be identified as Mississippi Choctaws.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of claims for identification as Mississippi Choctaws, but prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are incapacitated from making 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 said rules being enclosed herewith.

Respectfully,

R & R Dep.

Registered.

*James Darby.*  
Chairman.

M C R 5275

COPY:

Muskogee, Indian Territory, March 25, 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 7, 1903, remanded to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of William F. Snow, et al., with instructions that the applicant be granted an opportunity to introduce additional testimony and evidence in support of his claim.

In accordance with such instructions the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, April 24, 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,

*Tammie Biss*  
Chairman.

COPY.

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On November 8, 1902, the Commission transmitted to the Department the record in the Mississippi Choctaw case of William F. Snow, et al., together with its decision refusing the application made by William F. Snow for the identification of himself and minor children as Mississippi Choctaws.

With departmental letter of March 7, 1903 (I. T. D. 1524-1903), the record in this case was remanded, with the recommendation that the applicants be granted further opportunity to introduce additional evidence in support of their claim.

In accordance therewith, the Commission on March 25, 1903, notified the principal applicant that he would be allowed up to and inclusive of Friday, April 24, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor children as Mississippi Choctaws; and on the same date notice to the same effect was furnished the attor-

neys for the Choctaw and Chickasaw Nations.

On April 24, 1903, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the Mississippi Choctaw case of William F. Snow, et al., was called for hearing, in accordance with this notice, but no appearance was made on behalf of the applicants, nor by the attorneys for the Choctaw and Chickasaw Nations.

The applicants in this case having failed to enter appearance or introduce additional evidence tending to show compliance on the part of their ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty, the original record in the case, together with additional proceedings had therein, is therefore herewith returned.

Respectfully,

*Tamm Dixby,*  
Chairman.

Through the Commissioner  
of Indian Affairs.

M. C. R. 5275.

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D.C. 26982.  
ITD. 1524 &  
6542-1903.  
L.R.S.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 25, 1903, you returned to the Department the record in the matter of the application for identification of William F. Snow and his minor children, Lucy L., Lucinda, Luella and William T. Snow, as Mississippi Choctaws Indians.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Nancy Snow (nee Brashears), through her son, Levi Snow, through his son, William F. Snow, father of the principal applicant.

Your decision rejecting the applicants was rendered October 23, 1902. With Departmental letter of March 7, 1903, the case was remanded to you for further investigation as to the ancestors of the applicants, and you were notified that the records of the Indian Office showed that there were four persons of the name of Brashears, who, as heads of families, complied with the provisions of article 14 of the Choctaw treaty of 1830, for themselves and their children.

It appears that on March 25, 1903, you notified the principal applicant and the attorneys for the Choctaw and Chickasaw Nations that the principal applicant would be allowed thirty days in which to introduce additional evidence in support of his application.

In your letter of April 25, 1903, you state that on April 24, 1903, at the office of the Commission, the case was called for hearing in accordance with said notice, but no appearance was made on behalf of the applicants, or by the attorneys for the Choctaw and Chickasaw Nations.

Reporting August 29, 1903, the 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 rejecting the applicants is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.



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27639.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON. August 29, 1903.

COPY.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to forward, herewith, letter of the Commission to the Five Civilized Tribes, of April 25, returning record in the Mississippi Choctaw case of William F. Snow et al., wherein, with Departmental letter of March 7th, 1903, (ITD 1524-1903), the record in this case was remanded with instruction that the applicant be granted further opportunity to introduce additional evidence in support of their claims.

In accordance with instructions of the Department, the Commission on March 25, 1903, notified the principal applicant that he would be allowed up and inclusive of Friday, April, 24, 1903, to introduce additional evidence in support of the application made by him for the identification of himself 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.

On April 24, 1903, at the office of the Commission, this case was called for hearing, in accordance with the notice, but no appearance was made in behalf of the applicants nor by the

Attorneys for the Choctaw and Chickasaw Nations. The applicant in the case having failed to enter appearance or introduce additional evidence tending to show compliance on the part of their ancestors with the provisions of the 14th, Article of the Choctaw Treaty of 1830, the original record in the case, together with additional proceedings had therein, is returned by the Commission for Departmental action.

The original record in the case shows that the principal applicant bases his claim to identification as a Mississippi Choctaw on his descent from his father, William F. Snow, who was born in Alabama in 1842, and from Nancy Brashears, who is alleged to have been a citizen of the Choctaw Nation in Mississippi or Alabama in 1830. The original record did not render it possible to determine whether the Nancy Brashears, from whom the applicant in chief is descended, was or was not a descendant of the heads of the families of the name of Brashears, who complied with and received beneficiaries under the provisions of the 14th Article of the Choctaw Treaty of 1830. For this reason the record was returned in order that the applicants might have further opportunity to introduce evidence to prove that they were descended from the 14th Article beneficiaries, if such was the fact.

After having been furnished an opportunity to submit such evidence and having failed to take advantage of that opportunity in the light of the condition of the record, it is my judgment

that the decision of the Commission, rejecting the applicants ,  
should be approved, and so recommend.

Very respectfully,

W. A. Jones,  
Commissioner.

EBH/LKS.

M. C. 5275.

COPY:

Muskogee, Indian Territory, October 7, 1903.

William F. Snow,  
Center, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd, 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 William F. Snow, et al., of which decision you were advised by registered mail on the 23rd, day of October, 1902.

Respectfully,

*James H. Carby,*  
Chairman.

A.C. 5275.

NOV.

Muskogee, Indian Territory, October 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd, 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 William F. Snow, et al., of which decision you were advised by mail on the 23rd, day of October, 1902.

Respectfully,

*Tamo Bixby.*  
Chairman.

I, *James H. [unclear]* of the State of *Massachusetts*  
do hereby certify that *John F. [unclear]*  
is the true and correct copy of the original  
and has been examined and found correct  
by me, *James H. [unclear]* of  
*Greenfield* Mass. *John F. [unclear]*  
Dated July 24<sup>th</sup> 1874. *John F. [unclear]*  
Chairman

Plank 856.

DEPARTMENT OF THE INTERIOR,  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.  
=====

\_\_\_\_\_ Muskogee \_\_\_\_\_, Okla., ~~11-25-31~~ 1931, IS.

Received of the SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES the ~~return~~

~~issuance~~ marriage license of William F. Snow, Miss. Choc.

applicant. ~~and recorded in the office of~~

~~in the office of the~~

~~Home~~ \_\_\_\_\_

~~Admission~~ \_\_\_\_\_

~~in the office of the~~

*Martha F. Snow*

Post Office \_\_\_\_\_

Copy of the testimony of  
William F. Snow, et al.,  
M.C.R. 5275

with papers in the matter of the  
disbarment of Louis P. Hudson.

G. R.

7/1/1902.

For

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No. 5275

For Identification as a Mississippi Choctaw.

Date 1881

Name William F. Snow.

Age 38 Blood 1/8

Post Office, Center, I. T.

Father: William F. Snow, d.

Mother: Lucy Bartholomew

Claims through ~~his~~ father's  
wife, Martha F. Snow, l.w.

No claim for his wife.

Children:

|            |   |   |
|------------|---|---|
| Lucy L.    | " | 8 |
| Lucinda    | " | 6 |
| Luella     | " | 4 |
| William T. | " | 1 |

Claims for self &  
children

Stenographer H. G. Hains

Choctaw MCR 5276

Sarah Mathis

See MCR 5618

MCR 5276

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 19, 1902.

5276

In the matter of the application of Sarah Mathis for the identification of herself and her minor child, Walter Glenn Mathis, as Mississippi Choctaws.

L.P.Hudson, attorney for applicant.

Sarah Mathis being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Mathis.  
Q What is your age? A Fifty years old.  
Q What is your post office address? A Altus, Arkansas.  
Q How long have you lived there? A Ever since I was three years old  
Q Where were you born? A In Tennessee.  
Q And from Tennessee you went to Arkansas? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What was your father's name? A Warren Posey.  
Q What was your mother's name? A Sarah Posey.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I knew of.  
(Attorney for applicant calls attention to the fact that applicant claims through father and mother both.)  
Q You claim through your father and mother both, do you? A Yes, on both sides.  
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 Not that I knew of.

- Q Do you know when your father and mother were married? A No sir, I don't.  
Q You haven't the proof of their marriage with you? A No sir.  
Q Can you introduce it later? A I don't know whether I can or not.

Reasonable time will be allowed this applicant to produce that evidence if she desires.

- Q Do you know where they were married? A In Tennessee.  
Q Married by a minister and under a license? A I don't know.  
Q Is your husband living? A Yes sir.  
Q Is he your first husband? A Yes sir.  
Q White man or Indian? A He is supposed to be white, but he claims Choctaw blood.  
Q Do you make any claim for him? A No sir.  
Q What is his name? A John G. Mathis.  
Q You make no claim for him then? A No sir.  
Q Have you any children you want to make application for under twenty one years of age and unmarried- A Just four.  
Q What is the name? A Walter Glenn Mathis. Q How old is Walter?  
A Eighteen.  
Q Do you claim for yourself and one minor child? A Yes sir.  
Q Have you any other children over twenty one years of age or married? A I have two.  
Q What is the name of the oldest child over twenty one or married?  
A Lizzie Harger.  
Q How old is she? A Twenty four.  
Q Whom did she marry? A Nathan Harger.  
Q A white man? A Yes sir.  
Q Have they any children? A Yes, she has three,-- Florence, six years old and Clarence, five; and the next is three, Darwin.  
Q Now give me the name of your other child that's married. A Sallie Nichols.  
Q How old? A Nineteen.  
Q Whom did she marry? A Gene Nichols.  
Q Eugene? A Yes sir.  
Q White man? A Yes sir.  
Q Have they children? A One child.  
Q What is the name of that child? A Orena.  
Q Are there any other children of yours except Walter? A Warren William is twenty three.  
Q Married? A No sir.  
Q The next? A Andrew Jackson.  
Q How old? A He is twenty one.  
Q Married? A No sir; and that's all.  
Q Is John G. Mathis the father of these children whose names you have given? A Yes sir.  
Q And you are the mother? A Yes sir.  
Q Are you and he living together as husband and wife? A Yes sir.  
Q Is Walter Glenn Mathis living with you? A Yes sir.  
Q Is your name or the name of this minor child, Walter Glenn Mathis, on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of.  
Q Have any other of your children made application to be identified as Mississippi Choctaws? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and minor child, Walter, to 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 citizenship in the Choctaw Nation for yourself and minor child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

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

Q You never made application for yourself or any of your children to any authority whatever before this time? A No sir.

Q Do you now come before the Commission to identify yourself and minor child as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of article fourteen of that treaty? A I don't know whether I do or 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 day of September, 1830. The object of that treaty was the removal as far as practicable of all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi or 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 with the other Indians and in order to protect their interests article fourteen was put into the treaty of 1830. 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 article fourteen of the treaty of 1830?

A Not that I know of.

Q You understand that article, do you now, so that you can claim under it? A Yes sir.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Annie Biddie.
- Q Did she live in Mississippi in 1830? A I can't tell you.
- Q Did Warren Posey, your father, live in Mississippi in 1830? A I don't know.
- Q Is he living now? A No sir.
- Q When did he die? A I don't know exactly. (Somebody says he died 29 years ago.)
- Q How old was he when he died? A I don't know.
- Q About how old? A Well, he was supposed to be about seventy five or six when he died; he would be 104 years old now.
- Q If he would be 104 years old if living now; don't you think he was married 72 years ago? (Attorney says he probably was.)
- Q He would have been thirty two years of age, then; don't you think he was married then? A (No answer.)
- Q Your brother who appeared here today was how old? A Forty seven I believe.
- Q Did you have any older brothers and sisters? A Yes sir.
- Q How much older than you? A I can't tell you.
- Q Ten or fifteen- A Yes, a good deal older than that I think. So that we are about the only ones that are living-- three or four of us.
- Q If you had a brother fifteen years older than yourself it appears that your father, Warren Posey, was living in 1830 was married then and was the head of a family then? A Yes, I guess so.
- Q Was he living in Mississippi or Alabama at that time? A I can't tell you; he came from Alabama to Tennessee, but I don't know the day nor nothing about it; I have heard him talk of leaving Alabama.
- Q You claim through Warren Posey as the Choctaw ancestor who at least was living in 1830 and was married and had a family of children then, don't you? A I am a mighty poor hand on figures.
- Q According to your own statement he was married in 1830 and had a family-? A Yes sir.
- Q You claim through the same ancestor as your brother? Oliver K. Posey, don't you? A Yes sir

Reference is made to M.C.R. 5271.

- Q His testimony was that his father, Warren, lived in Alabama in 1830 and was married and the head of a family there then; do you know anything about it? A No sir, he has a heap better recollection than I have.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation 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 United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 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 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 were required, if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent whose name was Col. Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his neglect to make a proper register of the names of Indians who came before him within six months caused a good many Indians who held land in Mississippi upon which they had improvements to lose both; both were taken from him and sold. This caused so many complaints among the old Choctaw nation that Congress passed an act approved March 3, 1837, and this Commission so appointed under this act 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, 1842, 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 Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if it further appeared this applicant or any applicant had had land in Mississippi which the Government had taken from him and sold at Public Land Sale, 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 under that act of Congress? A I don't know.

Q Who was Mary McDougal? A A cousin of mine.

Q Who was Stephen N. Adcock? A Cousin of mine.

Q Do you want to have their testimony taken into consideration with yours and other relatives of yours claiming through the same common ancestor and all consolidated under one case? A Yes sir.

Reference to case of Mary McDougal, M.C.R. 4969  
and Stephen N. Adcock, M.C.R. 4970

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

Q Have you any other evidence you want to introduce now? (Here L.P. Rudsen, attorney for applicant, asks for time to file more proof in the near future. Motion is approved.)

This applicant has the appearance of being descended from mixed ancestry of white and some other blood, which she claims to be Choctaw Indian blood; there is no question but what she has a mixture of blood.

Q You don't claim any negro blood, do you? A No sir.

She has no negro blood; the color of her skin and her eyes which are brownish gray, and her black hair would indicate in the mind of the Commission that she had Indian blood, - which she claims is Choctaw. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 19, 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 17 day of May, 1902.

*Charles Heston*  
Notary Public.



COPY

Muskogee, Indian Territory, April 15, 1903.

Sarah Mathis,  
Altus, Arkansas.

Dear Madam:

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

|                               |             |
|-------------------------------|-------------|
| Henry N. Posey,               | M.C.R. 5618 |
| Sarah Mathis, et al.,         | M.C.R. 5276 |
| Lizzie Harger, et al.,        | M.C.R. 5639 |
| Warner W. Mathis,             | M.C.R. 5637 |
| Andrew Mathis,                | M.C.R. 5638 |
| Sallie Nichols, et al.,       | M.C.R. 5640 |
| Oliver K. Posey, et al.,      | M.C.R. 5271 |
| Sarah Etta Moore, et al.,     | M.C.R. 5602 |
| Mary V. Dear, et al.,         | M.C.R. 5601 |
| Susan Ettie McKinley, et al., | M.C.R. 5603 |
| William C. Posey,             | M.C.R. 5604 |
| Mattie L. Gates, et al.,      | M.C.R. 5599 |
| Penola W. Gates,              | M.C.R. 5600 |
| Mary McDougal, et al.,        | M.C.R. 4969 |
| Maggie Kuykendol, et al.,     | M.C.R. 5020 |
| Alva McDougal,                | M.C.R. 5021 |
| Homer H. McDougal, et al.,    | M.C.R. 5022 |
| Stephen H. Adcock, et al.,    | M.C.R. 4970 |
| Clementine Fish, et al.,      | M.C.R. 5016 |
| Maggie Johnston, et al.,      | M.C.R. 5017 |
| Stephen A. Fish,              | M.C.R. 5018 |
| Maud Hull,                    | M.C.R. 5019 |
| Elijah A. Posey, et al.,      | M.C.R. 5613 |
| Yancy A. Posey,               | M.C.R. 5617 |
| Nancy I. Hull,                | M.C.R. 5608 |
| Rosezette Cherry, et al.,     | M.C.R. 5606 |
| Lula Reardon, et al.,         | M.C.R. 5620 |

S. M.----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 Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Null, Rosezetic Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled 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

S.M. -----

case together with such arguments will be forwarded to the Secretary  
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tams Bixby.*

Chairman.

Registered.

M.C.R. 5876.

Muskogee, Indian Territory, December 11, 1903.

Sarah Mathis,

Altus, Arkansas.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry N. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

*Lewis*  
Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCLAW.

Date

1, 1902

Name Sarah Mathis

Age 50 — Blood 1/8

Post Office, Altus, Ark.

Father: Warren Posey, d.

Mother: Sarah Posey, d.

Claims through father, mother,  
husband John S. Mathis, l. w.

No claim for  
husband.

Children;

Walter Glenn Mathis, 18  
claims for self &  
one minor child.

Stenographer

H. S. Hains.

Choctaw MCR 5277

John M. Dorman

MCR 5277

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

-----;

In the matter of the application of John M. Dorman, et al.,  
for identification as Mississippi Choctaws, M C R 5277.

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 John M. Dorman, et al.,<br>for identification as Mississippi Choctaws.                                                                       | 1     |
| Ex parte affidavit of W. M. Mims.                                                                                                                                    | 6     |
| Ex parte affidavit of Lettie Mims.                                                                                                                                   | 7     |
| Certified copy of marriage record between<br>John Dorman and Mary Jones.                                                                                             | 8     |
| Final decision of the Commission in the case of<br>John M. Dorman, et al., applicants for identifi-<br>cation as Mississippi Choctaws, refusing said<br>application. | 9     |

-----;

5277

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of John M. Dorman for the identification of himself and his two minor children, Leona and John Wesley, as Mississippi Choctaws.

Appearances:

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

John M. Dorman, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John M. Dorman.
- Q How old are you? A Thirty eight - born in sixty four - January 27th.
- Q How much Choctaw blood have you? A One-quarter.
- Q What's your post office address? A Conway, Arkansas.
- Q How long have you lived in Conway? A About twenty years in that County.
- Q Where did you live before that? A In Panola County, Mississippi.
- Q How long did you live in Panola County, Mississippi? A The whole of my life up until the time I left there for Faulkner County.
- Q Is your father living? A No, sir.
- Q What was his name? A John Dorman.
- Q Your mother living? A No, sir.
- Q What was her name? A Amanda Dorman.
- Q Through which one of your parents did you derive your Choctaw blood? A My mother.
- Q How old would your mother be if she were living now? A About sixty five.
- Q Where was she born? A In Attala County, Mississippi.
- Q Lived in Mississippi all her life? A Yes, sir.
- Q Was she a slave? A Yes, sir.
- Q How much Choctaw blood did she have? A One-half.
- Q Through which one of her parents did she get her Choctaw blood?  
A Her mother.
- Q What was her name? A Malissa Cotrel.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did you ever see her? A No, sir.
- Q Where did she live? A She lived in Attala County, Mississippi.
- Q All her life? A So far as I know.
- Q How old would she be if she were living now? A I don't know, sir, seventy or eighty years old, and probably older.
- Q Did she have any other name besides Malissa Cotrel? A None that I knew of.
- Q How do you know that she was a full blood Choctaw? A That's what my mother told me.
- Q Is that all you know about it? A Yes, sir.
- Q You don't know where she was born? A No, sir, I don't know where



John M. Dorman, et al., 2.

she was born at.

- Q Do you know the names of her parents? A No, sir, not her parents.  
Q What was your mother's father's name? A Adam Cotrel.  
Q Have any Choctaw blood? A No, sir.  
Q Slave? A No, sir.  
Q Wasn't a slave? A No, sir.  
Q Are you married? A Yes, sir.  
Q Wife living? A Yes, sir.  
Q What is her name? A Mary Dorman.  
Q Have any Choctaw blood? A No, sir.  
Q You make no claim for her, then? A No, sir.  
Q How many children have you living? A Two.  
Q What are their names? and ages? A Leona, ten years old, and John Wesley, eight.  
Q Is that all your children? A That's all living.  
Q Both living with you at this time? A Yes, sir.  
Q Are they both the children of yourself and Mary Dorman? A Yes, sir.  
Q This application is for yourself and two children? A Yes, sir.  
Q Were you married to Mary under a license? A Yes, sir.  
Q When? A In '85.  
Q Where? A In Conway, Faulkner County, Arkansas.  
Q Who married you? A Henry McDonnell.  
Q What official position did he hold at that time? A He was a minister.  
Q Have you your license with you? A Yes, sir.

Certified copy of marriage license and certificate of John Dorman and Mary Jones is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

- Q Has any application of any description, ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, not that I know of.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and two minor children, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q Do you understand that 14th article? A Yes, sir.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article, or ever receive any benefits under that article? A None that I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.  
Q Any of them live here at that time? A Yes, sir, I think so.  
Q Who, of your Choctaw ancestors, do you think lived here at the time the treaty of Dancing Rabbit Creek was made? A I guess my mother's mother was living; she died about 1870.  
Q How old was she when she died? A I don't know, sir; I couldn't certify.  
Q Do you know where she was living here in Mississippi at that time? A When she died?  
Q No, when the treaty was made; in 1830? A Somewhere's near Kos-

John M. Dorman, et al., 3.

ciusko.

Q You don't know whether she owned an improvement here then, or not?  
A No, sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A None that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States? A None that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.

Q Did you ever hear of any of your people ever having gotten any money from the Government? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens 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 complain among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1839 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi 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 None that I know of, no, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing

John M. Dorman, et al., 4.

Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A None that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A None that I know of.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A None that I know of.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A None that I know of.

Q Have you any witnesses here today to testify in your case?

A No, sir.

Q Any written evidence of any kind to offer? A Yes, sir.

Affidavits of W.M. Mims and Lettie Mims are offered in evidence, identified as Exhibits "A and B" respectively, filed, and made a part of the record in this case.

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

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any ~~of~~ time before the 30th of this month at Meridian, Mississippi, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

Q What are their names? A Sherman, George and Emmett Dorman.

Q Any sisters living? A No, sir.

Q Any brothers or sisters dead who left children? A No, sir.

Q Are any of your mother's brothers living? A No, sir.

Q Or sisters? A No, sir.

Q Did she ever have any brothers or sisters to your knowledge? A Two brothers - no sisters.

Q Did either of them leave children? A Tecumseh Cotrel left some children; also, Tony Cotrel.

Q Do you know those children's names? A No, sir, not all of them. I have written a time or two to find out where they are out in the country; they are some where in this State.

John M. Dorman, et al., 5.

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

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 16th day of April, 1902, at Meridian, Mississippi and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*  
Subscribed and sworn to before me at Meridian, Mississippi  
this 24th day of April, 1902.

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

By *[Signature]*

Deputy.

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

In the matter of the application of John M. Dorman, et al., for identification as Mississippi Choctaws, N O R 8877.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by John M. Dorman for himself and his two minor children, Leona and John Wesley Dorman, under the following provision of the act of Congress approved June 23, 1898, (30 Stat., 498):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Malissa Cotrel, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support

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

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Malissa Cotrel, 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 John N. Dorman, Leona Dorman and John Wesley Dorman as Choctaw Indians entitled 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

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such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Birby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. H. Brockinriago.

Commissioner.

Mathkoge, Indian Territory.

NOV 20 1902

COPY.

M.C.R. 5277

Muskogee, Indian Territory, November 20, 1902.

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

Gentlemen:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Dorman, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John M. Dorman, Leona Dorman and John Wesley Dorman as Choctaw Indians entitled 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



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forwarded for review to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

SIGNED

*[Faint signature]*

Acting Chairman

M.C.R. 5277

Muskogee, Indian Territory, November 20, 1902.

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

Dear Sir:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Dorman, 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., 415) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein, is insufficient to determine the identity of John M. Dorman, Leona Dorman, and John Wesley Dorman as Choctaw Indians entitled 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

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

file arguments in this office, and that at the expiration of said  
~~time the papers in the case together with such arguments, will be~~  
forwarded for review to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Maskogee, Indian Territory, November 20, 1902.

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

Dear Sir:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Dorman, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John M. Dorman, Leona Dorman, and John Wesley Dorman as Choctaw Indians entitled 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."

A. W. J. -----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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5277

Muskogee, Indian Territory, November 20, 1902.

John M. Dorman,  
Conway, Arkansas.

Dear Sir:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Dorman, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John M. Dorman, Leona Dorman and John Wesley Dorman as Choctaw Indians entitled 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

J.M.D.-----2

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

001

Muskogee, Indian Territory, December 6, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John M. Dorman, 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, his attorney of record, agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Charles L. Brown*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 5277



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Copy.

Department of the Interior,  
Office of Indian Affairs,  
Washington, Feb. 10, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted, herewith for your consideration, the application of John M. Dorman for himself, and his two minor children, Leona and John Wesley Dorman, 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 as Mississippi Choctaws, under this application, on their descent from Malissa Cotrel, whom it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi in 1830, through Amanda Dorman.

The Commission rejected the applicants November 20, 1902, because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office shows that the names of Malissa Cotrel or Amanda Dorman do not appear among those who complied or attempted to comply with the provisions of the 14th

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Article of the treaty of 1830, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513). for an adjudication of their rights if they had any, as Choctaw Indians.

These being the facts, it is recommended that the decision of the Commission rejecting the applicants be approved.

Veryrespectfully,

Commissioner.

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DEPARTMENT OF THE INTERIOR  
WASHINGTON.

ITD. 1564-1903.

March 7, 1903.

L R S

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

Gentlemen:

December 6, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctawism if John M. Dorman and his minor children, Leona and John Wesley Dorman, including your decision of November 20, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Malissa Cotrel, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Malissa Cotrel, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23 1842 (5 Stat., 513).

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

After a careful review of the entire record the Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

M.C.R. 5277

COPY

Muskogee, Indian Territory, March 18, 1903.

John M. Dorman,  
Conway, Arkansas.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of John M. Dorman, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,

*Tamm Dixby.*  
Chairman.

M. C. R. 5277

Muskogee, Indian Territory, March 19, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of John M. Dorman, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,

*Tams Sixty.*  
Chairman.

M. C. R. 5277

COPY.

Muskogee, Indian Territory, March 19, 1903

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

Gentlemen:

You are hereby notified that on the 7th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of John M. Dorman, et al., of which decision you were advised by mail on the 20th day of November, 1902.

Respectfully,

*Iamie Dixby.*  
Chairman.

M.C.R. 5277

Muskogee, Indian Territory, March 19, 1903.

S.A. Beadle

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John M. Dorman, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,

*James L. Lobb*  
Chairman.

M C R 5277

Muskogee, Indian Territory, April 6, 1903.

John M. Dorman,  
Conway, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you state "I write you to know where is my marriage licenses which is very important to my claim as a Choctaw."

In reply you are informed that the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children, was forwarded to the Secretary of the Interior on December 6, 1902. On March 7, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, and on March 19, 1903, yourself and attorney were duly notified of such departmental action.

The marriage license filed by you in your case is a part of the record now with the Department. If you desire the return of the same, it is suggested that you correspond with the Secretary of the Interior with that view.

Respectfully,

Commissioner in Charge.



M C R 5277

Muskogee, Indian Territory, February 11, 1905.

J. M. N. Dorman,  
R. F. D. #3,  
Conway, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting the return of your marriage license and other papers filed in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that the record in your case is in the hands of the Department and you should correspond with the Secretary of the Interior in regard to the return of your papers.

Respectfully,

Chairman.

No. 5577

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 16 1902

Name <sup>Date</sup> John H. Dorman

Age 38 Blood 1/4

Post Office, Conway, Ark.

Father: John Dorman &

Mother: Amanda " 1/2 &

Claims through mother  
wife Mary Dorman 2  
No claim for wife

Children:

Leona Dorman 10

John H. " 8

mother's mother - ~~Mrs~~ Malissa Cottel &

Stenographer

R. S. Street

Choctaw MCR 5278

Emma Clingan

See MCR 5279

MCR 5278

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

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

Emma Clingan, et al.,                   M.C.R. 5278  
Oran M. Clingan, et al.,               M.C.R. 5279.

List of papers forwarded to the Secretary of the Interior  
embracing the record in the consolidated case of  
Emma Clingan, et al.,

|                                                                                                                                   | (Page) |
|-----------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Emma Clingan, et al., for<br>identification as a Mississippi Choctaw.....                                 | 1      |
| Original application of Oran M. Clingan, et al.,<br>for identification as Mississippi Choctaws.....                               | 7      |
| Decision of the Commission denying the application<br>of Emma Clingan, et al., for identification as<br>Mississippi Choctaws..... | 10.    |

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5278

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Emma Clingan for the identification of herself and four minor children, Johnnie E., Delomia, Bettie and Joseph W.; as Mississippi Choctaws.

Bettie Clingan, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Emma Clingan.
- Q How old are you? A Forty one next month.
- Q How much Choctaw blood have you? A One eighth.
- Q What's your post office address? A Mingo, Tishomingo County, Mississippi.
- Q How long have you lived in Tishomingo County? A Twenty three years.
- Q Where did you live before that? A In Texas.
- Q What place? A In right smart of Texas; I was born in Hill County.
- Q And lived there all your life until you came here to Mississippi?
- A Yes, sir.
- Q You never lived in Indian Territory? A No, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A Morgan Claunch.
- Q Mother living? A No, sir.
- Q What was her name? A Malissa Claunch.
- Q Through which one of your parents did you get your Choctaw blood?
- A My mother.
- Q How much did she have? A She was quarter.
- Q Where was she born? A In Alabama.
- Q What place? A Saint Clair, County.
- Q How long did she live there? A I don't know, sir; she went to Texas a long time ago.
- Q How old would she be if she were living now? A She would be about eighty or eighty five years old.
- Q Could she speak the Choctaw language? A Yes, sir, I have heard her talk it.
- Q You don't speak or understand it, do you? A No, sir.
- Q In what county in Alabama did she live? A In Saint Clair, and Talladega.
- Q Do you know the names of your mother's parents? A Her father's name was William Cook, and I don't know her mother's given name.
- Q Through which one of her parents did your mother get her Choctaw blood? A Her father.
- Q You claim he was one-half Choctaw, then? A Yes, sir.
- Q Do you know where he was born? A No, sir, I don't know.
- Q Or where he lived all his life? A No, sir, I was small when my mother died; I was going on six years old.
- Q How many brothers and sisters did your mother have? A I don't know, sir; she had two brothers, but I don't know whether she had any sisters or not.

Emma Clingan, et al., 2.

- Q Full brothers? A Yes, sir.  
Q Do you know anything about the marriage of your mother's father and mother? A No, sir.  
Q Do you know through which one of his parents, your mother's father, this man Cook, got his Choctaw blood? A No, sir.  
Q Do you know the names of either of his parents? A No, sir.  
Q Where did he live during his entire life? A My grand father?  
Q Yes? A Well, I don't know, sir, where, unless in Alabama.  
Q Are you married? A Yes, sir.  
Q Husband living? A Yes, sir.  
Q What's his name? A Joseph Clingan.  
Q Has he any Choctaw blood? A No, sir.  
Q You make no claim for him, then? A No, sir.  
Q How many children have you living who are under twenty one years of age and unmarried? A Four.  
Q What are their names and ages? A Johnnie E., that's a girl.  
Q How old is she? A She will be sixteen years old the 17th of this month.  
Q Next one? A Her name is Delomia; she will be four<sup>year</sup> in November.  
Q Next one? A Bettie.  
Q How old is she? A She will be nine years old in September.  
Q Next one? A Will be six years old in January next.  
Q What's the name? A Joseph W.  
Q Is that all your children? A Yes, sir.  
Q Under age? A Yes, sir, that's all under age.  
Q These children all living with you at this time? A Yes, sir.  
Q They are all the children of yourself and Joseph Clingan?  
A Yes, sir.  
Q This application, then, is for yourself and four minor children, is that correct? A Yes, sir.  
Q Has any application of any kind ever been made for you before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and four minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q You understand that 14th article, do you not? A I don't know whether I do or not.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. 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 out to the new nation west of the Mississippi River, commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation, might receive land here in

Emma Clingan, et al., 3.

Mississippi from the Government. It is as follows:

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

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that now? A Yes, sir.

Q Did any of your ancestors ever comply, or attempt to comply, with it's provisions, or ever receive any benefits under that article? A No, sir.

Q Do you know for certain whether they did or not; that was seventy one or two years ago? A No, sir, they never have so far as I 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, sir.

Q Did any of them, in fact, live here at that time? A I can't tell you.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No, sir.

Q Not that you know of? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, none that I know of.

Q If any of your people ever got any land here in Mississippi from the Government, you never heard of it? A No, sir.

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

Emma Clingan, et al., 2.

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

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you know about that? A Well, I don't think they did.

An Act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the

Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of none.

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

Q Have you any witnesses here today to testify in your behalf?

A No, sir, but I could have had if I knew it had been necessary.

Q You could have had witnesses here to testify on what point?

A That I had a claim.



Emma Clingan, et al., 4.

- Q That you had some Choctaw blood, you mean? A Yes, sir.  
Q But you had no witnesses that could prove that any of your ancestors ever complied with these treaty provisions or ever received any benefits under them? A I know in reason that they didn't, and don't think there is any person living who could prove that they did.  
Q Have you any written evidence to offer at this time? A No, sir, I didn't think it was necessary, or I could have brought it with me.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A None that I know of.  
Q Have you any brothers living? A No, sir.  
Q Did you ever have any brothers? A Yes, sir.  
Q How many? A Five.  
Q Did any of them leave children? A No, sir, not that I know of.  
Q Have you any sisters living? A No, sir.  
Q Ever have any sisters? A Yes, sir.  
Q Did any of them leave children? A Yes, sir.  
Q Do you know the names of their children who are living? A No, sir, not all of them. I know three or four of the names.  
Q How many of those sisters left children? A Two.  
Q What's the name of the oldest one who left children? A Nancy.  
Nancy what? A Sorrels.  
Q Where did she live? A Way out in west Texas.  
Q How many of her children are living? A Three.  
Q Do you know their names? A Yes, sir, Eliza Jane, the oldest one, Martha Ann and next, William.  
Q Are the girls married? A Yes, sir.  
Q Do you know their married names? A No, sir, I don't think I do.  
Q What was the name of your other sister who left children? A Sarah Sarah Basham.  
Q Are any of her children living? A They was the last account I heard of them.  
Q How many? A Six, I think; I know the oldest one, Edward.  
Q Where do they live? A In Texas; Falls County, Texas.  
Q Any of your mother's brothers or sisters living? A No, sir.  
Q Any of the children of any of your mother's brothers or sisters living? A Not that I know of.  
Q You don't speak or understand the Choctaw language? A No, sir.

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

Emma Clingan, et al., 5.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 24th day of April, 1902.

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

By *[Signature]*  
Deputy.

J. H. A.  
C. W. W.

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



In the matter of the application of Emma Clingan, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

|                         |               |
|-------------------------|---------------|
| Emma Clingan, et al     | M. C. R. 5278 |
| Orran M. Clingan, et al | " 5279        |

--: 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 Emma Clingan for herself and her four minor children, Johnnie E.,  
Delonia, Bettie and Joseph W. Clingan; and by Orran M. Clingan for  
himself and his minor child Arrie L. Clingan, under the following  
provision of the act of Congress approved June 25, 1902 (30 Stat.,  
692):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Cook, 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 William Cook, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 188) 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 Emma Clingan, Johnnie E. Clingan, Delania Clingan, Bettie Clingan, Joseph W. Clingan, Orran M. Clingan and Arrie L. Clingan, as Choctaw Indians entitled 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)

Tame Dixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

J. P. Breckinridge

Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

Mississippi Choctaw  
5278, 5279, 5280.

Muskogee, Indian Territory, Dec 7, 1902.

A. W. Trotter,  
Shubuta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of Nov 2, in which you ask to be entered as attorney of record in the cases of Neal Clingan, O. M. Clingan and James R. Wright, applicants for identification as Mississippi Choctaws, and you are advised that before you can be entered as attorney of record in these cases it will be necessary for you to file a written authorization from these applicants, empowering you to represent them as attorney in the presentation of their applications for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COPY

M C R 5278

Muskogee, Indian Territory, December 2, 1902.

Emma Clingan,  
Mingo, Mississippi.

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 Emma Clingan, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Clingan, et al.,           M C R 5278  
Orran M. Clingan, et al.,       M C R 5279

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 Emma Clingan, Johnnie E. Clingan, Delomia Clingan, Bettie Clingan, Joseph W. Clingan, Orran M. Clingan, and Arrie L. Clingan,

**E C-2.**

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

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with the 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 2, 1902.

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

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Clingan, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Clingan, et al.,                   M C R 5278  
Orran M. Clingan, et al.,           M C R 5279

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma Clingan, Johnnie E. Clingan, Delomia Clingan, Bettie Clingan, Joseph W. Clingan, Orran M. Clingan and Arrie L. Clingan, as Choctaw Indians entitled 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) *James E. Flinn*  
Acting Chairman.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emma Clingan, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

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

Emma Clingan, et al., M.C.R. 5278  
Orran M. Clingan, et al., " 5279.

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 5278.

Acting Chairman.

(COPY)

Land.

DEPARTMENT OF THE INTERIOR,

75,259-1902.

Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Emma Clingan for herself and her four minor children, Johnnie E., Delomia, Bettie and Joseph W. Clingan, and by Orran M. Clingan for himself and his minor child, Arrie L. Clingan, wherein a decision adverse to the applicants was rendered on December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from William Cook. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

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

An examination has been made of the records of this office with reference to the name of William Cook, 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.

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

Very respectfully,

(Signed) A. C. Tomner,

Acting Commissioner.

(F. B. H.)

P.

(COPY)

D.C.4329-1903.

DEPARTMENT OF THE INTERIOR.

BAF.

ITD.1048-1903.

Washington.

L R S

February 10, 1903.

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

Gentlemen:

December 18, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Emma Clingan and her minor children, Johnnie E., Delomia, Bettie and Joseph W. Clingan; and of Orran M. Clingan and his minor child Arrie L. Clingan; including your decision of December 2, 1902, adverse to the applicants.

The applicants endeavor to trace their descent from one William Cook, who is alleged to have been a one-half blood Choctaw Indian.

The applicants were never admitted or enrolled as citizens of the Choctaw Nation, and the records fail to show that said William Cook, or a less remote ancestor of the applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting in the matter January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

Having carefully considered the entire record, and finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5278

COPIE  
Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Clingan, et al., of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully

*Tamc E. King*  
Acting Chairman.

M.C.R. 5278

COPY.

Muskogee, Indian Territory, February 21, 1903.

Emma Clingan,  
Mingo, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Clingan, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

  
Acting Chairman.



Consolidated Case  
of  
Emma Clingau et al.

1881

Card No. NAME RESIDENCE DISTRICT POST OFFICE Age Sex

William Pook  $\frac{1}{2}$  Malissa Cook  $\frac{1}{4}$   
mar dead  
Morgan Claunch  
dead

mcR  
5278  
Emma Claunch  $40\frac{1}{8}$   
mar  
Joseph Clingau

mcR  
5278  
Johnnie E. Clingau 15  
" Delomia " 13  
" Bettie " 8  
" Joseph W. " 5

mcR  
5279  
Orran M. Clingau  $22\frac{1}{2}$   
wife  
① Jennie Clingau  
dead  
② Mary Clingau  
Arrie L. Clingau 3  
mcR  
5279

Nancy Claunch ——— Eliza Jane Sorrells  
mar dead  
———— Sorrells Martha Ann "  
William "

Sarah Claunch ——— Edward Basham  
mar dead  
———— Basham  
"  
"  
"  
"

# 20 36

No. 5278

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 16 1902

Name Emma Clingan

Age 40 Blood 1/8

Post Office, Mingo, Miss

Father: Morgan Claunch d

Mother: Malissa " (1/4) d

Claims through mother  
husband Joseph Clingan  
no claim for husband.

For self and children -

Children:

- Johnnie E. Clingan (F) 15
- Delomia " F 13
- Bettie " F 8
- Joseph W. " 5~~7~~

Stenographer

R. A. Street

Choctaw MCR 5279

Orran M. Clingan

See MCR 5278

MCR 5279

5279

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Orran M. Clingan, for the identification of himself and his one minor child, Arrie L., as Mississippi Choctaws.

Orran M. Clingan, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Orran M. Clingan.  
Q How old are you? A Twenty two.  
Q How much Choctaw blood have you? A One sixteenth.  
Q What's your post office address? A Mingo, Mississippi.  
Q What county? A Tishomingo.  
Q How long have you lived in Tishomingo, County? A All my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Joseph Clingan.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Emma Clingan.  
Q Is she the Emma Clingan who appeared before the Commission just prior to your appearance here this morning? A Yes, sir.  
Q You get your Choctaw blood solely through your mother? A Yes, sir.  
Q Through which yone of ~~her~~ her parents did your mother get her Choctaw blood? A Her mother.  
Q What was her name? A Maliss a Cook. That's her maiden name; she Qmarried Morgan Claunch.  
Q Through which one of her parents did she get her Choctaw blood?  
Q From her father.  
Q What was his name? A It was Cook.  
Q What other name? A I don't know the given name.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What's her name? A Mary Clingan.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her? A No, sir.  
Q Have you ever been married more than once? A Yes, sir.  
Q First wife living? A No, sir, she's dead.  
Q Any children by your first wife? A Yes, that's the one I'am speaking of.  
Q What's the name of your child by your first wife? A Arrie L.  
Q How old is this child, Arrie? A About three years old.  
Q Girl or boy? A Girl.  
Q What's the name of the mother of this child? A Tenie.  
Q How long has she been dead? A She's been dead three years.  
Q Did she have any Choctaw blood? A No, sir.  
Q Have you any children by your second wife? A No, sir.  
Q Were you married to Tenie under a license? A Yes, sir.  
Q When? A '97, the best I remember.

Orran M. Clingan, et al., 2.

Q Where were you married to her? A In Colbert County, Alabama.

Q Have you your license with you? A No, sir.

Q Who married you? A Rice Burns.

Q What official position did he hold at that time? A Justice of the peace.

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

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

Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.

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

Q Do you understand that 14th article? A Yes, sir, I think I do.

Q You were present and heard the examination of your mother? A Yes, sir.

Q Do you know anything further in regard to a compliant on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than disclosed by her testimony? A I don't know anything only I have some witnesses I think you could get more information from them, because they are a great deal older, and were probably acquainted as far back as a half breed anyway.

Q Who are those witnesses? A One my great uncle, Lows Claunch and Nancy Claunch, they live in Tishomingo County; Burton is their post office; then, he has a sister named Bettie Messengale, who lives near Kossouth, Mississippi, I believe, in Alcorn County.

Q How old are these people? A I believe the lady is about sixty five years old, probably, seventy; I don't know just exactly.

Q Do you think they would know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that 14th article? A I don't know, sir.

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

Q

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q You never heard of any of your ancestors ever having gotten any land from the Government of the United States as Choctaw Indians, or any money? A No, sir, never heard of it.

Q Or any scrip? A No, sir.

Orran M. Clingan, et al., 3.

Q Any of them ever live in Indian Territory, so far as you know?

A No, sir, I don't think they did.

Q Anything further you want to say in support of your application? A No, sir.

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

By Commission:

Special reference is hereby made to the testimony of his mother, Emma Clingan, given before the Commission, on this date, in support of an application for herself and four minor children.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 24th day of April, 1902.

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

By *[Signature]*

Deputy.

Mississippi Choctaw  
5278, 5279, 5280.

Muskogee, Indian Territory, May 7, 1902.

A. W. Trotter,  
Shubuta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2, in which you ask to be entered as attorney of record in the cases of Emma Clingan, O. M. Clingan and James R. Wright, applicants for identification as Mississippi Choctaws, and you are advised that before you can be entered as attorney of record in these cases it will be necessary for you to file a written authorization from these applicants, empowering you to represent them as attorney in the presentation of their applications for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.



File

OPY.

M C R 5279

Muskogee, Indian Territory, December 2, 1902.

Orran M. Clingan,  
Mingo, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Clingan, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Clingan, et al.,                   M C R 5278  
Orrin M. Clingan, et al.,           M C R 5279

These applications were made under the provisions of the act of Congress of June 28, 1902, (40 Stats., 495), which is as follows:

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

Said Decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma Clingan, Johnnie E. Clingan, Delomia Clingan, Bettie Clingan, Joseph W. Clingan, Orran M. Clingan and Arrie L. Clingan/ as Choctaw Indians entitled to rights in the Choctaw

O M C-2.

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

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

Respectfully,

(SIGNED).

*Tamie Linby.*

Acting Chairman.

Registered.

M.C. R. 5979

COPY.

Muskogee, Indian Territory, February 21, 1903.

Orran M. Clingan,

Kings, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Clingan, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

*Tame Dicks*  
Acting Chairman.

2029

No. 5279

For Identification as a Mississippi Choctaw.

Meridian Miss.  
Date APR 16 1902

Name Orran K. Clingan

Age 22 Blood 1/16

Post Office, Mingo, Miss.

Father: Joseph Clingan L

Mother: Emma " L

Claims through mother  
wife Mary Clingan L  
no blood for wife.

Not seen by one of the

Children:

Arrie L Clingan F 3

mother Jennie " (no choctaw blood) &

Stenographer

R. S. Strick

Choctaw MCR 5280

James R. Wright

MCR 5280

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

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In the matter of the application of James R. Wright, et al., for identification as Mississippi Choctaws, N. C. R. 5280.

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

|                                                                                                                             | Page. |
|-----------------------------------------------------------------------------------------------------------------------------|-------|
| Original application of James R. Wright, et al., for identification as Mississippi Choctaws.                                | 1     |
| Decision of the Commission refusing the application of James R. Wright, et al., for identification as Mississippi Choctaws. | 7     |

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5290

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of James R. Wright for the identification of himself and three minor children, Leafie G., Bessie May and Minnie M., as Mississippi Choctaws.

James R. Wright, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A James R. Wright.  
Q How old are you? A Thirty.  
Q How much Choctaw blood have you? A One-sixteenth.  
Q What's your post office address? A Highland, Mississippi.  
Q What county? A Tishomingo.  
Q How long have you lived in Tishomingo County, Mississippi? A All my life. Of course, I was out of the County some, but the biggest portion I have lived in Tishomingo County.  
Q Ever live in Indian Territory? A No, sir.  
Q Father living? A Yes, sir.  
Q What's his name? A John Thomas Wright.  
Q Your mother living? A Yes, sir.  
Q What's her name? A Margaret M. Wright.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother.  
Q She is one eighth Choctaw? A Yes, sir.  
Q Has she lived in Tishomingo County all her life? A No, sir, she lives in Tennessee; they moved there about four years ago.  
Q Well, when did she move to Tishomingo County? A I couldn't tell exactly when.  
Q How long before you were born? A Well, I don't know exactly; about three or four years, I suppose.  
Q Where was she born? A I don't know, but I believe it was in Prentiss County, Mississippi.  
Q Did she live in Mississippi all her life before she moved to Tennessee three or four years ago? A No, sir, she lived in Alabama when she was young a while, but I don't know how long.  
Q How old is she? A She's fifty five, I think, if I'm not mistaken.  
Q Through which one of her parents did she get her Choctaw blood?  
A Her mother.  
Q What was her name? A Nancy.  
Q Nancy what? A Nancy Attaway, before she was married.  
Q What was her married name? A Owens.  
Q Did you ever see Nancy? A No, sir.  
Q How old would she be if she were living now? A Well, I suppose, from what my mother said, she would be about eighty years old.  
Q Where was she born, do you know? A No, sir, I do not.  
Q Where did she live during her life time? A She died in Prentiss County, and was buried there.  
Q Mississippi? A Yes, sir.  
Q Through which one of her parents did she get her Choctaw blood?  
A Her father.

James R. Wright, et al., 2.

- Q What was his name? A Attaway.
- Q Other name? A I don't know; that's all I ever heard.
- Q Did you ever see him? A No, sir.
- Q Do you know where he lived during his life time? A I heard my mother say, but I can't recollect the place.
- Q Was he born in Mississippi, do you know? A No, sir, I do not.
- Q Have no idea where he was born? A Not that I could for certain say.
- Q What's your idea where he was born? A Well, I don't hardly really know.
- Q Through which one of his parents did he get his Choctaw blood?
- Q From his father.
- Q What was his name? A I don't know, sir.
- Q His father was a full blood Choctaw? A Yes, sir, atleast, that's what they tell me.
- Q But you don't know what his name was? A No, sir.
- Q Do you know the name of the mother of this man, Attaway? A Yes, sir.
- Q You don't know anything about the marriage of his father and his mother? A No, sir.
- Q Now, Attaway - what was his other name? A I don't remember that.
- Q Do you know anything about his marriage to the mother of Nancy Owens? A No, sir, only just what my mother told me; I was down there last summer and we were talking about it.
- Q Well, about this particular marriage, you mean? A No, sir, we were just talking about her mother, and she was telling me about the Indian blood she had in her.
- Q How many brothers or sisters did your mother have? A I don't know, sir, whether I could tell all of them; part of them were half brothers that I never seen.
- Q You don't know how many full brothers and sisters she has? A Yes, sir.
- Q How many? A Two own brothers, and one sisters, and her sister's been dead a long time. Her brothers, two of them, are in Texas.
- Q Do you know how many brothers and sisters Nancy Owens had? A None at all; she was the only child there was.
- Q You don't know how long her parents lived together as husband and wife, or whether, in fact, they did live together as husband and wife? A No, sir.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Fannie Wright.
- Q Has she any Choctaw blood? A No, sir.
- Q Make no claim for her then? A No, sir.
- Q Have you been married more than once? A Just once.
- Q Have you any children living? A Yes, sir.
- Q What are their names and ages? A Leafie G.
- Q How old? A Four years old the 24th of November past.
- Q Next one? A Bessie May, three years the first day of last March.
- Q Next one? A Minnie M.
- Q How old? A She will be twelve years old in July.
- Q All three of these children living with you at this time? A Yes, sir.
- Q This application, then, is for yourself and three minor children? A Yes, sir.
- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.



James R. Wright, et al., 3.

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

Q You understand that 14th article, do you not? A I don't know whether I understand it exactly, or not.

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

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A No, sir, not that I know of.

James R. Wright, et al., 4.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, at the time the treaty was made? A I don't know.

Q Did any of them live here in the old Choctaw Nation at that time? A I don't know for certain whether they did or not.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I never heard of it.

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

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

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

In accordance with the provision of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1838 and 1845, and heard a great many of these Choctaw cases.

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

A<sup>m</sup> 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 pre-

James R. Wright, et al., 5.

visions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not that I ever heard of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, not unless it would be my mother.
- Q How old did you say she was? A About fifty five.
- Q Has she ever been before the Commission? A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, have no evidence.
- Q Have you any evidence to offer at this time? A No, sir.
- Q Were you married to Fannie under a license? A Yes, sir.
- Q When? A In '98, I believe.
- Q Have you your license with you? A No, sir.
- Q Where were you married to her? A In Tishomingo County.
- Q Who married you? A Mr Page, a preacher.

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

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Any further statements you want to make at this time in support of your application? A I don't know that there is.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any brothers living? A Yes, sir.
- Q How many? A One.
- Q What's his name? A Thomas Wright.
- Q Has he ever been before the Commission? A No, sir.
- Q Where does he live? A In Tennessee.
- Q Have you any sisters living? A Yes, sir.
- Q How many? A Three.
- Q What are their names? A One's named Nancy Ella Cook.
- Q Next one? A Arvie Lee Wright; she is not married.

James R. Wright, et al., 6.

- Q Have you any brothers or sisters dead? A Yes, sir, have a brother dead, and one sister.
- Q Either of them leave children? A No, sir.
- Q Any of your mother's brothers or sisters living? A Yes, sir.
- Q How many brothers? A Brothers, own brothers, and I don't know how many half brothers; never did see them.
- Q What are the names of her whole brothers? A John Ownes and another one, Andy Berry Owens.
- Q Are her half brothers by the same mother as she is? A No, sir.
- Q They have no Choctaw blood then? A No, sir.
- Q Has your mother any full ~~brothers~~ sisters living? A No, sir.
- Q Did she ever have any? A One.
- Q Did she leave any children? A Yes, sir, she left two, but they are both dead.
- Q Neither of them left children? A No, sir.
- Q Has your mother any full brothers dead who left children? A No, sir.
- Q Has Nancy Ownes any brothers or sisters living? A No, sir, none that I ever heard of.
- Q Did you ever hear of her having had any brothers or sisters?
- A No, sir, never did.

(This applicant has the appearance of being a white man; he has a light mustache, gray eyes, and none of the features or characteristics of an Indian. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 24th day of April, 1902.

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

By *[Signature]*

Deputy.

G.A.L.  
C.V.W.

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

-----|-----

In the matter of the application of James R. Wright, et al., for identification as Mississippi Choctaws, M. C. R. 5280.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James R. Wright for himself and his three minor children, Leafie G., Bessie May and Minnie M. Wright, under the following provision of the act of Congress approved June 26, 1890, (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 Handy Owens (nee Attorney), who is alleged to have

been possessed of some Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said 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 Nancy Owens (nee Attaway), 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 James R. Wright, Leafie G. Wright, Bessie May Wright and Minnie M. Wright

3.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tame Dixby.

Acting Chairman.

T. B. Needles

Commissioner.

O. R. Enoch

Commissioner.

Muskogee, Indian Territory,

DEC 6 1907

Mississippi Choctaw  
5278, 5279, 5280.

Muskogee, Indian Territory, May 7, 1902.

A. W. Trotter,  
Shubuta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2, in which you ask to be entered as attorney of record in the cases of Emma Clingan, O. H. Clingan and James R. Wright, applicants for identification as Mississippi Choctaws, and you are advised that before you can be entered as attorney of record in these cases it will be necessary for you to file a written authorization from these applicants, empowering you to represent them as attorney in the presentation of their applications for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.



U.S. DEPARTMENT OF THE INTERIOR  
Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nation,  
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 James R. Wright, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Wright, Leafie G. Wright, Bessie May Wright and Minnie M. Wright as Choctaw Indians entitled 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,

*Thomas S. ...*

Acting Chairman.

COPY

Muskogee, Indian Territory, December 6, 1902.

James R. Wright,  
Highland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James R. Wright, 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 James R. Wright, Leafie G. Wright, Bessie May Wright and Minnie M. Wright as Choctaw Indians entitled 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

James R. Wright-2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James R. Wright, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

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

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5280.

John D. ...  
Acting Chairman.

COPY.

Land.  
76179-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington,  
February 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of James R. Wright, for himself and his three minor children, Leafie G., Bessie May and Minnie M. Wright, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

It appears from the evidence in this case that the applicants claim identification by reason of their descent from one Attaway, and his daughter, Nancy (Attaway) Owens, who, it is alleged, were citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants is based on the ground that its records fail to show that Nancy Owens, nee Attaway, or an ancestor less less remote, ever 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.

-2-

A search of the records of this office has been made as to the names of Attaway and Nancy Attaway Owens, and they are not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and I have, therefore, to recommend that the decision of the Commission adverse to the applicants be approved.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner.

E. B. H. H'r.

3 enclosures.

C P Y .

D.C. 7798-1903.

ITD. 1946-1903.

LRS.

DEPARTMENT OF THE INTERIOR.

NAV.

Washington.

March 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of James R. Wright and his minor children, Leafie G., Bessie May and Minnie M. Wright, including your decision of December 6, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Attaway and his daughter Nancy Owens (nee Attaway) who are alleged to have been Choctaw Indians.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting February 17, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the whole record in the case, and hereby affirms the decision rendered.

Respectfully,

(Signed) THOS. RYAN.

Acting Secretary.

1 inclosure.

5



M.C.R. 5260

009

Muskogee, Indian Territory, March 26, 1903.

James R. Wright,

Highland, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James R. Wright, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

*Tamo Pinky*  
Chairman.

M.C.R. 8280

COPY

Muskogee, Indian Territory, March 26, 1903.

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

Gentlemen:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James R. Wright, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

*Tame Dixie.*  
Chairman.

#2030

No. 5280

For Identification as a Mississippi Choctaw.

Meridian, Miss. Date APR 16 1902

Name James R. Wright  
Age 30 Blood 1/16

Post Office, Highland, Miss

Father: John Thomas Wright 1/2

Mother: Margaret M. " 1/8 1/2

Claims through Mother  
wife Fannie Wright 1/2  
no claim for wife

For self and 3 children

|                  |   |   |
|------------------|---|---|
| Children:        |   |   |
| Leafie G. Wright |   | 4 |
| Bessie M.        | . | 3 |
| Minnie M.        | . | 1 |

Mothers mother Nancy Burns 1/4 1/2

Stenographer

R. S. Street

Choctaw MCR 5281

Elevens Franks

MCR 5281

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

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In the matter of the application of Eleven Franks for  
identification as a Mississippi Choctaw, M C R 5281.

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

Original application of Eleven Franks for  
identification as a Mississippi Choctaw.

Page.

1

Final decision of the Commission in the case of  
Eleven Franks, an applicant for identification  
as a Mississippi Choctaw, refusing said applica-  
tion.

4

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5281

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Eleven Franks, for  
identification as a Mississippi Choctaw.

Eleven Franks, having been first duly sworn, upon his  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Eleven Franks.
- Q How old are you? A I expect I am about fifty.
- Q How much Choctaw blood have you? A Chickasaw.
- Q How much Choctaw blood have you? A I - about two parts, nearly half.
- Q What's your post office address? A Dennis, Mississippi.
- Q What county? A In Tishomingo County.
- Q How long have you lived in Tishomingo County? A I just went there along this winter about before Christmas.
- Q This last Christmas? A Yes, sir.
- Q Where did you live before that? A I went from Ittawamba County.
- Q You have lived in Mississippi all your life? A Yes, sir.
- Q Is your father living? A No, sir, dead.
- Q What was his name? A Charley Franks.
- Q Your mother living? A No, sir, hers dead.
- Q What was her name? A Kizzie.
- Q Through which one of your parents did you get your Choctaw blood? A From my father.
- Q Your mother had no Choctaw blood? A I don't expect she did; my pa three quarters, my great grand pa was full blood, and throw me nearly half, won't it?
- Q How old would your father be if he were living now? A About eighty or ninety.
- Q Where was he born? A Born in Alabama. Born and raised there.
- Q What part of Alabama? A In up about Cherokee.
- Q Your father has lived in Alabama and Mississippi all his life? A Yes, sir.
- Q Do you know the name of his father? A Jacob.
- Q Jacob Franks? A My grand father was named Jacob Franks.
- Q What was the name of your father's mother? A I done forgot what her name; I wasn't born when she died.
- Q Now, was it her or Jacob that had Choctaw blood? A I think Jacob had Choctaw, my grand --
- Q How much was he? A Full blood.
- Q Do you know the name of Jacob's father? A No.
- Q Do you know the name of his mother? A No, I don't know.
- Q Did Jacob's mother have any Choctaw blood? A I guess it did.
- Q Did Jacob's father have any Choctaw blood? A I don't know.
- Q Are you married? A No, sir, I'm single.
- Q Ever been married? A No, sir.
- Q This application is just for you alone? A Yes, sir.
- Q Did you ever have any brothers or sisters? A Yes, I got two

Eleven Franks, 2.

sisters.

Q Full sisters? A Yes, sir.

Q Any brothers? A Yes, sir, got four brothers.

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

Q None of them ever have? A No, sir.

Q Where do they live? A They live - one of two of them live in Ittawamba, and one lives in Prentiss.

(Applicant excused.)

Orran M. Clingan, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission?

Q What's your name? A Orran M. Clingan.

Q How old are you? A Twenty two years old.

Q What's your post office address? A Mingo, Mississippi, Tishomingo County.

Q What's your occupation? A Farmer, mostly.

Q You are an applicant before this Commission? A Yes, sir.

Q Appeared here before us this morning? A Yes, sir.

Q Are you acquainted with a man by the name of Eleven Franks? A Well not very well.

Q You are acquainted with him? A Yes, sir.

Q Where does he live now? A He lives in Tishomingo County.

Q About how far from you? A About ten miles.

Q What's his post office address? A Dennis.

Q Were you acquainted with his parents? A No, sir.

Q How long have you known him? A About a month.

Q How long have you known of him? A Well, I have heard of him for some time - some two or three years, probably.

Q Is he in his right mind? A No, sir, he is not in his right mind.

Q Generally known to be an incompetent in the community in which he lives? A Yes, sir, everybody knows that where he is known.

Q Has he any relatives living up there whom you know? A He has a brother that lives somewhere in that country, not over five miles from Dennis post office.

Q Do you know his name? A No, sir, I do not.

Q Do you know whether any of his brothers, or any of his relatives have ever been before the Commission? A No, sir they have not.

Q Do you know whether this man has a legally appointed guardian? A Well, L.R. Davis is furnishing him to come down before this Commission.

Q Who is L.R. Davis? A He is a dealer in general merchandise in Tishomingo County; he is postmaster of Dennis.

Q You don't know whether he has a legally appointed guardian or not? A No, sir.

Q Do you know anything about his being possessed of Choctaw blood?

A No, sir, only what I have heard; I couldn't swear to it.

Q You know, of course, nothing as to whether any of his ancestors ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I do not.

(There can be no doubt from the testimony of applicant,

Eleven Franks, 3.

Eleven Franks, his personal appearance and manner of testifying that he is an incompetent, and it is, therefore, not deemed proper to attempt to examine him further.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 24th day of April, 1902.

*R. S. Streit*

*L. B. Mosely,*

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

By

*J. M. ...*

Deputy.



COPY.

*MM*  
*Cow.*

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

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In the matter of the application of Eleven Franks, for identification as a Mississippi Choctaw, N.C.R. 5281.

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

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Eleven Franks for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jacob Franks, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor is the applicant herein a party litigant before the Choctaw-Choctaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

Since the appearance of the applicant herein before this Commission at Meridian, Mississippi on April 16, 1902, every effort has been made to secure further testimony relative to his ancestors, but in this the Commission has not been successful.

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 Jacob Franks 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 Eleven Franks as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) *Tams Bixby.*  
Chairman.

(SIGNED) *T. B. Needles.*  
Commissioner.

(SIGNED) *C. R. Breckinridge.*  
Commissioner.

Muskogee, Indian Territory,

11 8 1906.

COPY.

M.C.R. 5261

Muskogee, Indian Territory, July 8, 1904.

Eleven Franks,

Dennis, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 8, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY. M.C.R. 5281

Muskogee, Indian Territory, July 8, 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 July 8, 1904, refusing the application of Eleven Franks for identification as a Mississippi Choctaw.

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

Respectfully,  
(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Incl. MCR 5281.

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

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. M C R 5281

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 4, 1904.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the record in the matter of the application of Eleven Franks for identification as a Mississippi Choctaw.

From this record it appears that the applicant is an incompetent and is unable to testify as to any of his ancestors. You are therefore directed, if possible to secure from some other person or persons who have knowledge of this applicant, an affidavit, deposition of other evidence relative thereto.

Respectfully,

Enc. JD 4-4

Chairman.

Meridian, Mississippi, January 9, 1904.

Eleven Franks,  
C/o L. R. Davis,  
Dennis, Mississippi.

Dear Sir-

It appears from the records of the Commission that on April 16, /02, application was made for your identification as a Mississippi Choctaw.

I now have these records in my possession, and it will be necessary, in order that a decision may be prepared in your case, that the Commission be supplied with the evidence of witnesses who were acquainted with your family, and know you to be of Choctaw descent. These witnesses should appear before the Commission at Meridian, Mississippi, as soon as convenient.

Very respectfully,

Special Agent.

Meridian, Mississippi, January 9, 1904.

Mr L. R. Davis,  
Dennis, Mississippi.

Dear Sir-

I have today written a letter to Kleven Franks, of Dennis, Mississippi, and sent same in your care. It appears that on April 16, 1902, this party appeared before the Commission at Meridian, Mississippi, and made application for identification as a Mississippi Choctaw. During the course of the examination, it became apparent that the applicant was an incompetent, and the testimony given at that time was not of such a character as to enable the Commission to identify him as a Mississippi Choctaw. If this applicant has any witnesses living in your vicinity who are acquainted with the family history of Kleven Franks, and know him to be descended from Mississippi Choctaw Indians who obtained land from the Government of the United States under article fourteen of the treaty of 1830, these witnesses should appear before the Commission at the Federal Building, Meridian, Mississippi, without delay, and testify relative to this case.

Very respectfully,

Special Agent.



copy  
Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Eleven Franks, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of June 8, 1904.

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

Respectfully,

(SIGNED)

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

2 enclosures M.C.R. 5281.

COPY.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON      October 12, 1904.

Land.  
51316-1904.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the application for identification as a Mississippi Choctaw by Kleven Franks.

July 8, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is an incompetent and without guardian; that he claims rights under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Jacob Franks, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the record and from the records of this office that the applicant has never been recognized, enrolled or admitted to citizenship by the Choctaw Nation or by authority of the United States. It does not appear from the evidence in the case or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek and to persons who were

2--

heretofore claimants thereunder, that Jacob Franks, or an ancestor less remote, signified to any person an intention to comply, or did comply, with the provisions of said article 14 of the treaty of Dancing Rabbit Creek, or any subsequent legislation thereunder.

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

Very Respectfully,

M.M.M.  
W.

A. C. Tonner,  
Acting Commissioner.

(COPY)

Y/P.

COPY.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE

D.C. 41080.  
I.T.D. 10448-1904.  
L.R.S.

October 21, 1904.

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

Gentlemen:

July 26, 1904, you transmitted the record in the matter of the application of Eleven Franks for identification as a Mississippi Choctaw, including your decision of June 8, 1904, which was adverse to the applicant.

Reporting in the matter October 12, 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,

M.W. Miller  
Acting Secretary.

1 inclosure.

M.C.R. 5281

COPY.

Muskogee, Indian Territory, October 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Eleven Franks, a copy of which decision was mailed you on the 8th day of July, 1904.

Respectfully,

SIGNED

*Yarns Dickey*

Chairman.

W.C.B.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS E. NEEDHAM,  
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. 5281                      |
|                                  |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

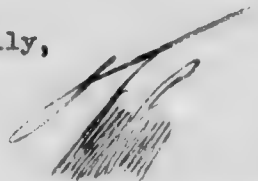
Muskogee, Indian Territory, October 31, 1904.

Eleven Franks,  
Dennis, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 8th day of July, 1904.

Respectfully,



Chairman.

The ~~examines~~ in this case  
has made a unique record.

The duty of the Com. under Sec 2,  
of the Courts Bill is to determine  
or not determine an applicant  
upon facts submitted in his  
case. This judgment, therefore,  
is written under that authority,  
and with a view of clearing  
the Record. But, as the  
applicant was denied further  
hearing by the Com., and as he  
was also declared more corrupt  
than he, can he be refused  
relief, which might have been  
proved his, in some other  
way? Can an adverse judgment  
be rendered against one (declared,  
but not proved, to be incompetent)  
on insufficient evidence?

The itamun in this case  
has made a unique record.

The duty of the Com. under Sec 2,  
of the Curtis Bill is to determine  
or not determine an applicant  
upon facts submitted in his  
case. This judgment, therefore,  
is rendered under that authority,  
and with a view of clearing  
the Record. But, as the  
applicant was denied further  
hearing by the Com., and as he  
was also declared non corrupt  
moribus, can he be refused  
rights which might have been  
proven his, in some other  
way? Can an adverse judgment  
be rendered against one (declared,  
but not proven, to be incompetent)  
on insufficient evidence?  
The proceeding is ~~is~~ irregular.



No. 5281

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 16 1902

Name Eleven Franks

Age 50 Blood 1/2

Post Office Dennis, Miss

Father: Charley Franks d

Mother: Kizzie " d

Claims through father

See only

Children:

Stenographer

R. A. Street

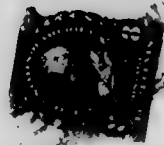
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCHEE, IND. TER.

*Ray*  
*Wet*

*10091*  
*10084*



Eleven Franks,

Dennis, Mississippi.

27 1904

DENNIS,  
JUL  
22  
1904  
A.M.  
MISS.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUL 28 1904

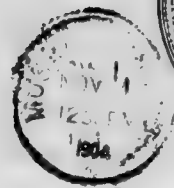
*[Handwritten Signature]*  
CHIEF

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

No such person

*[Handwritten scribbles and signatures]*

Eleven Franks,  
Dennis, Mississippi.



MUSKOGEE  
NOV 10 9 PM  
1904

IUKA'WIS  
NOV 10 9 PM  
REC'D.

NOV 10 1904

Choctaw MCR 5282

Adam Smith

MCR 5282

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

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In the matter of the application of Adam Smith, et al., for identification as Mississippi Choctaws. H.C.R. 3333.

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

|                                                                                                                            |     |
|----------------------------------------------------------------------------------------------------------------------------|-----|
| Original application of Adam Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws.....        | 1   |
| Joint affidavit of J. A. Boyd and Jacob Wallace.....                                                                       | 9   |
| Decision of the Commission refusing the application of Adam Smith, et al., for identification as Mississippi Choctaws..... | 10. |

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5282

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Adam Smith for the identification of himself and his two minor children, St. Clair and Frederick M., as Mississippi Choctaws.

Appearances:

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

Adam Smith, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Adam Smith.  
Q How old are you? A I was born in '68, January 15th, thirty four.  
Q How much Choctaw blood have you? A Half.  
Q What's your post office address? A Thornton, Mississippi, Holmes County.  
Q How long have you lived in Holmes County? A Sixteen years.  
Q Where did you live before that? A Leake County.  
Q How long did you live there? A Raised and born there.  
Q Is your father living? A No, sir, he's dead.  
Q What was his name? A His name was Barcus Indian.  
Q What was your mother's name? A Susan Barcus.  
Q When did she die? A Year before last.  
Q You get your Choctaw blood solely through your father? A Yes, sir.  
Q Was your mother a slave? A Yes, sir.  
Q Was your father? A My father wasn't a slave.  
Q How long has he been dead? A Been dead thirty years.  
Q Where did he live during his life time? A Leake County.  
Q Did he have any other name besides Barcus Indian? A If he had any other name, I don't know of it, but I was told by him myself, and other whites and blacks who owned me; Bob Wallace, he used to be Circuit Clerk, he said that he went by the name of Barcus Indian.  
Q How old would he be if he were living now? A I don't know, sir, how old he would be. I don't know exactly how old I am, because they have got my age.  
Q Do you know the names of the parents of this man, Barcus Indian - his father or mother? A No, sir, but they do.  
Q Whom do you refer to as they? A These two witnesses on there, and some besides, if it required; them here gentlemen knows all about my raising and my father.  
Q Did your mother ever have any other children by this man, Barcus Indian? A Two.  
Q Are they living, either of them? A They isn't but one living.  
Q Was she married to this Indian? A Well, it was said she was married, I don't know, but I can tell you one thing, they were together in 68 or 69, when the law to make out and consider all them that was together married, and he got killed from her.



Adam Smith, et al., 2.

- Q How do you know they were together in '69? A I was big enough to know it, and knowed him.
- Q You was big enough in '69 to remember? A Yes, sir, the first pair of shoes I ever wore in my life, he give to me.
- Q How long did they live together as man and wife in '69? A They was together to my knowing eight or ten years when I was big enough to recollect.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q Is she a Choctaw? A No, sir.
- Q What's her name? A Rosie Smith.
- Q Are you living with her at this time? A Yes, sir.
- Q You make no claim for her? A No, sir, not now.
- Q Do you expect to make claim for her later on? A Yes, sir.
- Q Why don't you make it now? A I want to get up her proof.
- Q You don't know she has Choctaw blood, but you suspect it? A Yes, sir.
- Q Have you any children living? A Two.
- Q What are their names and ages? A I have got four living, but two are of age, lives in Scott County.
- Q What are the names of your two children who are under age and living with you? A One of them is St. Clair and Frederick M.
- Q How old is St. Clair? A About seventeen years old.
- Q How old is Frederick? A He is going on two years old.
- Q Are these both the children of yourself and Rosie Smith? A They are not the children of Rosie Smith; they are the children of my first dead wife; both of them are; she died last November the 28th.
- Q What was the name of the mother of these two children? A Her name was Savannah Smith.
- Q Did she have any Choctaw blood? A No, sir, she didn't have any.
- Q Were you married to her under a license? A Yes, sir.
- Q When? A In '86, March '86, the 16th.
- Q Where? A In Holmes County, and the last marriage was married in Warren County, here in Jackson.
- Q You were married to her in '86; St. Clair can't be seventeen years old? A I meant to tell you that was my first wife's child, and you see I have given my third wife.
- Q What's the name of the mother of St. Clair? A Her name was Nettie Smith; used to go by the name of Nettie White.
- Q Did Nettie have any Choctaw blood? A Not a bit.
- Q Were you married to her under a license? A Yes, sir.
- Q Where? A Got the license from the County seat of Leake County, and to Savannah from the County seat of Holmes County and the last one from the County seat of Hinds.
- Q When were you married to Nettie? A I married her when I was in my eighteenth year of age, myself.
- Q Where did you marry her? A In Leake County.
- Q Have you your license covering your marriage to your wife Savannah and wife, Nettie, with you? A No, sir, I only have a part of the license of my last marriage.
- Q Have you any children by your last wife? A None at all.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Nettie, and also to your wife, Savannah, for use in connection with the application which you make in behalf of your two minor children. This evidence should be furnished

Adam Smith, et al., 3.

within thirty days from this date, if possible.

Q This application then is for yourself and two minor children?

A Two minor children.

Q Has any application of any description ever been made before tofay for you or either of these minor children for the purpose of establishing your rights as Choctaw Indians? A None at all.

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

Q Do you understand that 14th article? A No, sir, I don't.

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, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out west to the new nation, might receive land here in Mississippi from the Government. 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."

Adam Smith, et al., 4.

Q Do you think you understand that 14th article now? A I don't know, sir, whether I do or not.

Well, the requirements contained in that 14th article applied to Indians who lived here seventy one or two years ago, when this treaty was made, and who desired to stay here and take land under that article, and not move out to the new nation. If a Choctaw decided that he wanted to stay here and not move out west to the new nation, he was required by the terms of that 14th article to let the agent of the Government here in Mississippi for the Choctaws at that time know within six months from February 24, 1831, the day the treaty was ratified, that he did want to stay here; he was then entitled to a reservation of one section, of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child he had in his family over ten years of age on the 27th day of September, 1830, the day the treaty was made, he was entitled to a half section, or three hundred and twenty acres; for each child under ten years of age, he was entitled to a quarter section, or one hundred and sixty acres. These tracts for the children were required to adjoin the location of the parent, and the reservations made for these Indians were required, in each instance, to include the improvement of the head of the family as it existed on the day the treaty was made. If the Choctaw lived on this land so reserved for him for a period of

five years from the time the treaty was ratified, he was entitled to a grant in fee simple for the land; that is, the Government would give him a deed or patent to it, and it belonged to him. The concluding clause of that 14th article provided that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they went out west to the new nation, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money ~~ix~~ which becomes due each year to the Choctaws from the Government of the United States under treaty provisions.

Q Did any of your ancestors, or fore-fathers, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A I never have heard of it, if they did.

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

Q Sure of that? A I am sure of that.

Q Did any of them live here at that time? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir.

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

Adam Smith, et al., 5.

Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.

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

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

Q Did any of your people ever get any land from the Government so far as you know? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi, to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact let him know that they wanted to stay here and become citizens 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 No, sir.

Q Are you sure of that? A I am sure of that.

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.

Adam Smith, et al., 6.

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

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir, it seems reasonable that if they had - if they did - that as my father stayed with my mother until he got killed, that I would know something about it, and been told something about it. I brought my evidence of my white population who I was with at that time.

Q You stated your age was thirty four years, did you not? A Yes, sir, I was born in '68, I think, I said, but I know my birthday is on the 15th of January, but why I disremember just now just exactly to be positive about it, because I can't commit it to memory.

Q You were born after the close of the Civil War? A No, sir, before. Do you mean the Revolutionary war?

Q The Civil War, the war between the north and the south? A No, sir, before that.

Q How long before that war? A I was eight years old at the surrender.

Q You were born in fifty seven or eight, instead of sixty seven or eight? A I am confidently satisfied I can remember things that were done two years before the 'manicipation.

Q Then, your age must be forty four instead of thirty four? A I think so, as I have not been keeping up with it, only in taking the records of the day of the month that I was born from my owners.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied with the provision of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A I don't know none.

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

Q Have you any witnesses here today to testify in your behalf?

A No, sir.

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

The joint affidavit of J. A. Boyd and Javob Wallace is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q Who are these people Boyd and Wallace? A They are citizens of Leake County.

Q White men or black man? A One's white and one's black.

Q Which one is the white man? A Mr. Boyd.

Q Are either of them any relation to you? A No, sir, no relation at all.

Q Is this all the written evidence you have to offer at this time?

A Yes, sir, that's all.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Adam Smith, et al., 7.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, I believe I knew of nothing more to explain, without it requires more evidence in the matter, and it can be very easily got.

By Commission:

The question of evidence is one for you to decide - you, or your attorneys.

Q Have you any brothers living? A One.

Q Full brother? A No, sir.

Q Same father? A No, sir.

Q Did you ever have any full brothers? A One; that's the one that's dead.

Q How old was he when he died? A I don't know, sir, really.

Q Was he grown? A No, sir, he wasn't grown, at least, he died further back yonder.

Q Did you ever have any full sisters? A No, sir, there wasn't but four children of us; we have one sister and me, and my brother was, and my other brother and the sister I have got dead was of the same father.

Q Different from your father? A Yes, sir.

Q What are the names of your children who are of age? A One is named Susie, the other one Bennie.

Q Is Susie married? A No, sir, she's dead; she was my child - I had four, and two would be done of age, but there aint but one living of age.

Q What's the name of the living child who is of age? A Bennie Smith he lives in Scott County.

Q You stated that your father's name was Barcus Indian, and yet you give your name as Adam Smith? A Yes, sir, that was just a change of my name - owner, for I lived away from the inhabitants of Leake County; I went to Madison and stayed a while; I changed my name on my own say so; I just give myself that name.

Q What made you do that? A Just did it because I wanted to do so; there wasn't no compulsion to make me do it.

Q What name did you go by in Leake County? A Adam Barcus. They called me Wallace, because I belonged to the Wallace.

Q Has your father any brothers or sisters living? A No, sir, not as I knows of.

Q Did he ever have any, to your knowledge? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir, I wasn't raised up to it.

Q

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood. His skin has a reddish tinge which would indicate that he is probably possessed of some Indian Blood. His hair is almost straight. He does not speak or understand the Choctaw language.)

R. B. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Adam Smith, et al., s.

cause at Meridian, Mississippi, on the 16th 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 24th day of April, 1902.

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

By

*Smith*

Deputy.

*Chmn.*  
*Co. W.*

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

-----

In the matter of the application of Adam Smith, et al., for identification as Mississippi Choctaws, M.C.R. 5282.

---: 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 Adam Smith for himself and his two minor children, St. Clair and Frederick M. Smith, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears from the testimony that applicant Adam Smith was born of a slave mother prior to the Emancipation Proclamation, was himself a slave, and that the minor applicants are his lineal descendants. It does not appear from the records in the possession of the Commission that any of said applicants had ever been enrolled by the Choctaw tribal authorities as a member of the



Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Adam Smith, St. Clair Smith and Frederick M. Smith as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James H. Luby,  
Acting Chairman.

John H. ...  
Commissioner.

...  
Commissioner.

Muskogee, Indian Territory,

OCT 18 1902

COPY.

M O R 5283

Muskogee, Indian Territory, October 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Adam Smith, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Adam Smith, St. Clair Smith and Frederick M. Smith as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of

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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.

M O R 5282

Muskogee, Indian Territory, October 18, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Adam Smith, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no Freedman is entitled to identification as a Mississippi Choctaw, and that the application of Adam Smith, St. Clair Smith and Frederick M. Smith as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of

A W J—2

said time the papers in the case, together with such arguments,  
will be forwarded for review to the Secretary of the Interior  
through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 18, 1902.

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

Dear Sir:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Adam Smith, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Adam Smith, St. Clair Smith and Frederick M. Smith as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of

S A B—2

said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 18, 1902.

Adam Smith,  
Thornton, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Adam Smith, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Adam Smith, St. Clair Smith and Frederick M. Smith as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the



A S-----

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S.C.)

*James H. [unclear]*

Acting Chairman.

Registered.

M C R 5282.

COPY

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Adam Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the principal applicant herein, his 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,

*James Dixie.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure, M.C.R. 5282.

Miss. Choctaw R5282

Muskogee, Indian Territory, November 5, 1902.

Adam Smith,

Thornton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 2, stating that you can secure additional witnesses in support of your application for identification as a Mississippi Choctaw, and asking for an extension of the fifteen days granted you for the submission of arguments in your case.

In reply to your letter you are advised that the fifteen days from October 18, 1902, granted you for filing argument in your case expired on November 2, 1902, and on November 3, 1902, the record therein was forwarded to the Secretary of the Interior. The Commission therefore considers this case closed. You will be advised in due time of the action of the Secretary.

Respectfully,

Acting Chairman.

Land.  
67,804-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Adam Smith for the identification of himself and his two minor children, St. Clair and Frederick M., as Mississippi Choctaws.

On October 18, 1902, the Commission rendered a decision in this case finding that under the provisions of the Act of Congress, approved June 28, 1898, (30 Stats., 495), no freedman is entitled to identification as a Mississippi Choctaw, and for that reason the application of these applicants should be denied.

The office has examined the record evidence in this case and finds that the principal applicant claims to have inherited his Choctaw blood from his father, Barcus Indian, and that he is entitled to identification as a Mississippi Choctaw by reason of being a descendant of the said Barcus Indian.

There is no other ancestor named so far as the record evidence shows, and it nowhere appears in such evidence that the applicants herein are entitled to be so identified by reason of a compliance on the part of any of their ancestors with the provisions of article 14, of the Choctaw treaty of 1830.

The office records have been examined and the name of said Barcus Indian can nowhere be found as being one of those persons who complied or attempted to comply with the provisions of article 14 or received a patent for land thereunder. The record further shows that none of the applicants are of the full blood.

It is, therefore, respectfully recommended by the office that the application of these applicants be denied by the Department.

Very respectfully,

(Signed)

A. C. TONNER,

Acting Commissioner.

(W.C.B.)  
P.

D.C. 7806-1993.  
I.T.D. 2042-1903.  
L.R.S.

C O P Y.

H A F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

March 18, 1903.

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

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Adam Smith and his minor children, St. Clair and Frederick M. Smith, including your decision of October 18, 1902, denying the application.

You found that the principal applicant was born of a slave mother and was himself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The applicant claims to be a descendant of Barcus Indian, alleged to have been a full blood Choctaw Indian, and the Acting Commissioner of Indian Affairs reports February 18, 1903, that the records of the Indian Office fail to show that Barcus Indian complied or attempted to comply with article 14 of the treaty of September 27, 1830. He recommends that the application be denied.

The Department approves your action in refusing the application. A copy of the report of the Acting Commissioner

-2-

is inclosed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5262

10074  
Muskegee, Indian Territory, March 26, 1903.

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

Dear Sir:

You are hereby notified that on the 18th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Adam Smith, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*Tamc Dixby.*  
Chairman.



M.C.R. 5282

Muskogee, Indian Territory, March 26, 1903.

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

Dear Sir:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Adam Smith, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*Tama Bixby.*  
Chairman.

M.C.R. 5282

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of 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 Adam Smith, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*John P. ...*  
Chairman.

M.C.R. 5282

COPY.

Muskogee, Indian Territory, March 26, 1903.

Adam Smith,  
Thornton, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Adam Smith, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*James D. Doby.*  
Chairman.

No. 51282

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 16 1902

Name Adam Smith

Age 44 Blood 1/2

Post Office, Thornton, Miss

Father: Barcus Indian &

Mother: Susan Barcus d

Claims through father  
wife Rosie Smith L  
— no claim for her —

Children:

St. Clair Smith 17

Frederick M " negro d

Mother Savannah " negro d  
mother of St. Clair - Nettie Smith negro &

Stenographer

R. S. Streit

Choctaw MCR 5283

Felix Garland

See MCR 5284

MCR 5283

5283

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Felix Garland for the identification of himself and his four minor children, Nellie, Gertrude, Chester A., and Howard A., as Mississippi Choctaws.

Felix Garland, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Felix Garland.  
Q How old are you? A I was born July 4th, 1850.  
Q Fifty one years old, then? A Yes, sir.  
Q How much Choctaw blood have you? A I don't know, sir, exactly, but a little over half, I reckon.  
Q How muvh negre blood have you? A I haven't figured it out at all; I got Choctaw blood from both sides.  
Q What's your post office address? A Richland, Mississippi, Holmes County.  
Q How long have you lived in Holmes County? A All my life.  
Q Is your father living? A I suppose him to be dead; I can't answer that question directly; he went off inthe Kansas panic, and I couldn't answer that question.  
Q How long ago did he live here? A In seventy nine or eighty, somewhere.  
Q Never have seen him since? A No, sir.  
Q What was his name? A Jesse Garland?  
Q Is your mother living? A No, sir.  
Q What was her name? A Millie Garland.  
Q How much Choctaw blood did your father have? A Something more than three quarters, so I am told.  
Q Do you know who your father's father was? A No, sir.  
Q Who your mother's mother was? A No, sir.  
Q What makes you think he was something like three quarters Choc-taw? A My information on this point comes from his former owner.  
Q Did they tell you how much Choctaw blood his parents had? A Yes, sir.  
Q How much Choctaw blood did your father's father have? A I don't know, sir.  
Q You don't know sufficient in regard to your ancestors to be able to determine just how much Choctaw blood you have? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q Been married more than once? A No, sir.  
Q You and your wife living together now? A Yes, sir.  
Q How many children have you living? A I have six.  
Q Were you married to your wife under a license? A Yes, sir.  
Q When? A In seventy five - the 23rd day of December.  
Q Where? A In Holmes County.  
Q Mississippi? A Yes, sir.

Felix Garland, et al., 2.

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

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

Q What's the name of your wife? A Alberta.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her then? A No, sir, not as I know of.  
Q How many children have you living who are under age and unmarried?  
A Four.  
Q Give us their names and ages? A Nellie.  
Q How old? A Will soon be nineteen.  
Q Next? A Gertrude, will soon be eighteen, Chester A., is fifteen; Howard A., thirteen.  
Q Is the youngest one a boy or girl? A Howard A. is a girl.  
Q This application, then, is for yourself and four minor children, is that correct? A Yes, sir.  
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and four minor children, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q Do you understand that 14th article? A Yes, sir.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article, or ever receive any benefits under that article? A No, sir.  
Q Are you sure of that? A Yes, sir, I am sure of that. Not that I know of; I can't say positive.  
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 No, sir.  
Q Did any of them live here at that time to your knowledge? A No, sir, not as I know of.  
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of.  
Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, not that I know of.  
Q Did any of them ever claim or receive any land here in Mississippi to your knowledge? A No, sir.

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

Felix Garland, et al., 3.

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

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Never heard of it, if they did.

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

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

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

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



Delix Garland, et al., 4.

The affidavits of J. A. Sample, C. J. Gibson and Wiley G. Davis, are offered in evidence, identified as Exhibits "A, B. and C", respectively, filed and made a part of the record in this case.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 30th of this month, here at Meridian, Mississippi, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers or sisters living? A Yes, sir.  
Q How many? A Three sisters and two brothers outside of myself.  
Q What are the names of your three sisters? A Martha Falls, Sarah Sample and Ibbie Falls.  
Q What are your brothers' names? A Jesse and Franklin Garland.  
Q Is Ibbie here to-day? A No, sir.  
Q The other four are here today? A Yes, sir.  
Q Have you any children of age? A Two.  
Q What are their names? A Irene and Augustus.  
Q Is Augustus a boy or girl? A Boy.  
Q Are either of them married? A No, sir.  
Q Have you any children dead who left children? A No, sir.  
Q Anything further you want to say? A No, sir.

(The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. His hair, however, is rather inclined to be straight; his features and facial expressions are those of a negro. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 26th day of April, 1902.

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

By *[Signature]*

Deputy.

State of Mississippi,)

County of Holmes )

KNOW ALL MEN BY THESE PRESENTS, That I Felix Garland  
have made, constituted and appointed, and by these presents do make,  
constitute and appoint John C. Hill of Meridian, Lauderdale County,  
Mississippi, my true and lawful attorney for me, and in my name and  
stead to represent me as claimant to Chectaw Lands, and as a Missis-  
sippi Chectaw, before The Commission To The Five Civilized Tribes,  
giving and granting unto my said attorney full power and authority  
to do and perform all and every act and thing whatsoever requisite and  
necessary to be done in and about the premises, hereby ratifying the  
services he has already rendered me as attorney, and confirming all  
that my said attorney shall lawfully do as my attorney in law afore-  
said.

In witness whereof, I have hereunto set my hand and seal this  
the 23d day of May A.D. 1902.

Felix Garland

Signed in presence of

W. A. Simmons

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 11 1902

  
ACTING CHAIRMAN

5283

*Ann Felt Boland*

COPY.

K.C.R. 5283.

Muskogee, Indian Territory, July 12, 1902.

Felix Garland,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | K.C.R. 5284 |
| Mary E.F. Nicolson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5283      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

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 Martha Falls, Wita V. Harrington, Mary B.F. Higolson, Julius Falls, Levasseur N. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elvira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus E. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applie Garland, Assy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland, and Silphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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,

*Clarence D. Smith*

Acting Chairman.

Registered.

W O R 5283

Muskogee, Indian Territory, October 16, 1902.

Felix Garland,  
Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

M.C.R. 5283.

Muskogee, Indian Territory, December 4, 1902.

Felix Garland,

Muskogee, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24<sup>th</sup> inst., enclosing letter of the Commission addressed to you, dated October 16, 1902, advising that the Secretary of the Interior had approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask if under the decision you are "forever barred?"

In reply, you are informed that the Secretary of the Interior, having on October 26, 1902, approved the decision of the Commission in your case, the Commission considers the case closed.

Our letter of October 16, 1902, is herewith returned to you.

Respectfully,

Acting Chairman.

Enc B I 91.

#2033

No. 5253

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 16 1902

Name Felix Garland

Age 5 1/2 Blood 1/2

Post Office, Richland Miss.

Father: Jesse Garland d

Mother: Nellie " d

Claims through both parents -  
wife Alberta Garland d  
no claim for her

For all:

Children:

Nellie - Garland 18

Leatrice " 17

Chester A. " 15

Howard A. " (F) 13

Stenographer

R. J. [Signature]



Choctaw MCR 5284

Martha Falls

See MCR 5452, 5453, 5454  
5286, 5287, 5283, 5450, 5451  
5285

MAR 5 1911

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

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In the matter of the application of Martha Falls,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

|                           |        |       |
|---------------------------|--------|-------|
| Martha Falls, et al.....  | M.C.R. | 5234  |
| Mary E. F. Nigolson.....  | M.C.R. | 5452  |
| Julius Falls, et al.....  | M.C.R. | 5453  |
| Eugene Falls.....         | M.C.R. | 5454  |
| Frank Garland, et al..... | M.C.R. | 5286  |
| Sallie Sample.....        | M.C.R. | 5287  |
| Felix Garland, et al..... | M.C.R. | 5283  |
| Irene Garland.....        | M.C.R. | 5450  |
| Augustus S. Garland.....  | M.C.R. | 5451  |
| Jesse Garland, et al..... | M.C.R. | 5285. |

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

Original application of Martha Falls, et  
al., to the Dawes Commission for identi-  
fication as Mississippi Choctaws.....1

Testimony of John C. Hill.....7

Original application of Mary E. F. Nigol-  
son to the Dawes Commission for identi-  
fication as a Mississippi Choctaw.....9

(2).

|                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------|----|
| Original application of Julius Falls, et al., to the Dawes Commission for identification as Mississippi Choctaws.....  | 12 |
| Certificate of Jno. H. McBee.....                                                                                      | 15 |
| Original application of Eugene Falls to the Dawes Commission for identification as a Mississippi Choctaw.....          | 16 |
| Original application of Frank Garland, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 18 |
| Certified copy of the marriage record of Frank Garland and Felicia Wright.....                                         | 23 |
| Affidavit of John H. McBee.....                                                                                        | 25 |
| Original application of Sallie Sample to the Dawes Commission for identification as a Mississippi Choctaw.....         | 26 |
| Original application of Felix Garland, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 29 |
| Affidavit of Wiley G. Davis.....                                                                                       | 32 |
| Affidavit of C. J. Gibson.....                                                                                         | 34 |
| Affidavit of J. A. Sample.....                                                                                         | 36 |
| Affidavit of John H. McBee.....                                                                                        | 38 |
| Certified copy of the marriage record of Felix Garland and Alberta Mitchell.....                                       | 39 |
| Affidavit of John H. McBee.....                                                                                        | 41 |
| Original application of Irene Garland to the Dawes Commission for identification as a Mississippi Choctaw.....         | 42 |
| Original application of Augustus S. Garland to the Dawes Commission for identification as a Mississippi Choctaw.....   | 46 |
| Original application of Jesse Garland, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 47 |
| Certified copy of the marriage record of Jesse Garland and Clara Ward.....                                             | 51 |

(3).

Decision of the Commission denying the applications of Martha Falls, et al., Mary E. P. Nigolson, Julius Falls, et al., Eugene Falls, Frank Garland, et al., Sallie Sample, Felix Garland, et al., Irene Garland, Augustus S. Garland and Jesse Garland et al., for identification as Mississippi Choctaws.....53

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5284

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

Additional testimony in the matter of the application of  
Martha Falls, et al., for identification as Mississippi Choctaws.

John C. Hill, having been first duly sworn, upon his oath  
testified as follows:

Examination by the Commission?

- Q What is your name? A John C. Hill.
- Q How old are you? A I am thirty six.
- Q What's your post office address? A Meridian, Mississippi.
- Q What's your occupation? A Lawyer.
- Q How long have you lived in Lauderdale County? A Since April 10, 1894.
- Q Where did you live before you came here? A A while after I left Holmes County, in '88 or '89, I went to Louisiana and taught school there a few years, and studied in the Jackson college six years, spent two years in the law school at Jackson, Tennessee, and spent the year of '93 in the World's Fair at Chicago, and opened a law office there, and since that time my residence has been in Meridian.
- Q Were you born and raised in Holmes County? A No, sir, born in Hinds County, and later in Holmes County.
- Q Are you acquainted with the applicant, Jesse Garland, and the applicants Sallie Sample, Martha Falls and Felix Garland? A Yes, sir, I know them all.
- Q What relation do they bear to each other respectively? A Full brothers and sisters.
- Q How long have you known them? A Ever since I was a little boy.
- Q Are you interested in any way in the result of their applications? A No, sir, not interested at all.
- Q Are you any relation to them? A No, sir.
- Q Have you been retained by them as counsel in their case? A No, sir.
- Q Have not? A No, sir, but I expect to be, in case I am admitted to practice before the Commission.
- Q You may go ahead and give us such a statement in support of their applications as you may see fit? A Well, I know that Felix Garland, who applies for Indian claims on behalf of his minor children was lawfully married to his wife; I was present at the wedding; her maiden name was Alberta Mitchell; we all lived in the same neighborhood, and I have lived there since '74 or '5; I was a little boy, then. In behalfs of Jesse Garland Jr., I know he was lawfully married to one, Clara Ward; I was present at the wedding and know that the rites of matrimony were celebrated by one, Isaac Crawford, minister of the Gospel; the marriage took place at Richland, Holmes County, Mississippi, what is known as the old Jake Bird's place. I know that their father from appearances would make the impression of being either 3/4 Choctaw, if not more; he was Choctaw color; had Indian habits and straight hair, very much like an Indian, and I knew he always claimed to be an Indian, more or less; don't know what amount he claimed.

Martha Falls, et al., 2.

Q Is that all? A I believe that's all.

Q Were you acquainted with the mother of these applicants? A No, sir I think she was dead when we moved to Holmes County.

Q You don't know anything about her Choctaw blood? A No, sir.

Q How old a man would Jesse Garland be if he were living now? A I expect, if he were living now, he would be between ninety and one hundred.

Q When did you see him last? A I saw him the year he left for Kansas.

Q When was that? A I don't know - about '78 or 9 years.

Q About how old a man was he then? A Been about seventy years old then, if not more.

Q He was a slave, wasn't he? A I don't know about that.

Q Do you know where he was born? A No, sir, don't know.

Q Don't know where he lived prior to your becoming acquainted with him? A No, sir.

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

Q Do you know whether any of the ancestors of these applicants ever complied or attempted to comply with the provisions of this 14th article, do you? A I do not.

Q Or whether any of them ever received any benefits under that article? A I do not.

Q Do you know whether any of them appeared before any of those commissioners appointed under the Acts of Congress between the years 1837 and 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you know whether any of the ancestors of this applicant ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Do not.

Do you know any one living who would likely know, or be informed upon that point? A No, sir, I think my mother is about the oldest person in the neighborhood there, and she wouldn't know anything about it.

Q Do you know anything about the marriage of the father and mother of these applicants? A No, sir; she was dead before I became acquainted with them.

Q Any further statements you want to make at this time in support of their applications? A No, sir, that's all.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 21st 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 28th day of April, 1902.

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

By *[Signature]*

Deputy.

52 824

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Martha Falls for the identification of herself, and her minor grand child, Etta V. Harrington, as Mississippi Choctaws.

Martha Falls, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Martha Falls.  
Q How old are you? A Sixty.  
Q How much Choctaw blood do you possess? A I reckon, half.  
Q What's your post office address? A Richland, Mississippi.  
Q What county? A Holmes County.  
Q How long have you lived in Holmes County? A Born there.  
Q Lived there all your life? A Yes, sir.  
Q Were you a slave? A Yes, sir.  
Q Is your father living? A No, sir, I guess not; he left home and went to Kansas about twenty years ago, and I have not heard from him.  
Q What was your father's name? A Jesse.  
Q What other name did he have besides Jesse? A His last owner was a man by the name of Samples, but after slaves were freed he changed his name to Garland, and has always been known by the name of Jesse Garland.  
Q Is your mother living? A No, sir.  
Q What was her name? A Millie.  
Q She was a slave too was she? A Yes, sir.  
Q Did she have any Choctaw blood? A Her father, I heard her say, her father was.  
Q How much Choctaw blood was her father? A I don't know.  
Q You can't tell then how much Choctaw blood your mother had at all?  
A No, sir.  
Q Did your father have any Choctaw blood? A He said he was a Choctaw.  
Q How much? A He looked like he was more Choctaw than anything else.  
Q You don't know how much Choctaw blood he had? A He was just like my brother Jesse over there; he was the babby child, and he was just like him.  
Q Through which one of his parents did your father get his Choctaw blood? A I can't answer that question.  
Q Don't know about it? A No, sir.  
Q Can you speak or understand the Choctaw language? A I can't understand it, but I can speak it.  
Q You can't understand everything that is said in Choctaw? A No, sir.  
Q Can understand a few words? A Yes, sir.  
Q Could your father speak and understand the Choctaw language?  
A I can't answer that question.  
Q Don't know? A No, sir.  
Q Could

Martha Falls, et al., 2.

- Q Could your mother? A I don't know that.
- Q Do you know through which one of her parents your mother got her Choctaw blood? A I can't answer that question.
- Q You mean you don't know, then? A No, sir, don't know.
- Q Do you know the names of any of your grand parents at all? A I heard my mother say her father was named Isaac.
- Q Did he have any other name? A He belonged to the same family of people my mother belonged to, but you know I don't know anything about it.
- Q Do you know the name of any other one of your grand parents?
- A I don't know but that one.
- Q So far as you know, have all of your Choctaw ancestors always lived here in Mississippi? A I don't know nothing about that.
- Q Did you ever hear of any of your old folks living anywhere, except in this State? A Well, I can't tell anything about it.
- Q Are you married? A No, sir, I aint married.
- Q Have you been married? A Yes, sir, my husband's dead.
- Q Have you any children living who are under age and unmarried?
- A No, sir.
- Q This application, then, is for yourself only is it? A Yes, sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory for yourself under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I reckon so.
- Q Do you understand that treaty of Dancing Rabbit Creek? A No, sir.
- Q Do you know what a treaty is? A No, sir.

A treaty is a contract or agreement between nations, or between a nation and an Indian tribe. This treaty I am telling you about is a contract or agreement that was made here seventy two years ago, nearly, between the Government of the United States and the Choctaw tribe of Indians, and by an article of that treaty, I mean a paragraph or part of the treaty, or sub-division - one little subject treated of in the treaty; that's a paragraph; the 14th article is just a number giving to that paragraph of the treaty. This treaty was made here in 1830, September 27th, nearly seventy two years ago, between the Government of the United States 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 remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation might



Martha Falls, et al., 3.

receive land here in Mississippi from the Government.  
It is as follows:

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

- Q Do you think you understand that 14th article now? A Yes, sir.  
Q Well, did any of your fore-fathers ever do as that 14th article said a Choctaw should do in case he wanted to stay here in Mississippi and become citizens of the States and take land? A I never heard nothing about it.  
Q Did any of your Choctaw fore-fathers live here in Mississippi when this treaty was made, seventy two years ago? A I don't know anything about it. I don't reckon I was born then.  
Q Did any of them own an improvement here in the old Choctaw Nation, at that time? A I reckon not, 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 a thing about it. Did any of them  
Q Did any of them ever get any land here in Mississippi from the Government of the United States? A I don't know that.

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

Martha Falls, et al., 4.

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; the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1839 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know nothing about it.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, I never heard of it if they did.

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

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

Q Have you any witnesses here today to testify in your behalf?

A I have one witness here, J. C. Hill.

Q What do you expect to prove by him; what does he know about your case? A Brother Hill was raised up therel with the other children; I have been knowing him a good while, and he knows our family well.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian

Martha Falls, et al., 5.

Territory, and their testimony will be taken.

- Q Have you any written evidence of any kind to offer? A My brother Felix Garland, has all of our written evidence, and will offer it in support of his application.
- Q Anything further you want to say? A No, sir, I don't know of nothing more to say.
- Q How many brothers have you living? A Three, Felix Garland, Franklin Garland and Jesse Garland.
- Q Have you any brothers dead who left children? A No, sir.
- Q Have you any sisters living? A Yes, sir, one.
- Q What's her name? A Ibbie.
- Q Ibbie what? A Ibbie Falls.
- Q Have you any sisters dead? A Yes, sir, sisters and brothers both dead.
- Q Did any of them leave children? A No, sir.
- Q How many children have you living? A Five.
- Q What are their names? A Willie Falls, Virginia Grant, Mary Ella Nicholson, Julius and Eugene Falls.
- Q Have you any children dead? A Two dead.
- Q How old were they when they died? A Both married.
- Q Did either of them leave children? A Yes, sir.
- Q None of Hallie's descendants are living? A No, sir, my other daughter, Amelia, has one child living.
- Q What's the name of the father of these children? A Mark Harrington
- Q Is that child living with it's father? A No, the child lives with me; it's been with me ever since it's mother died.
- Q Well, has any application ever been made to this Commission for this child? A No, sir.
- Q Do you want to give it's name in too? A Yes, sir.
- Q How long since it's mother died? A Not quite eleven years.
- Q The child has lived with you all that time? A Yes, sir.
- Q You prove for and support it the same as you would a child of your own? A Yes, sir.
- Q Have you ever been appointed by the court as guardian for this child? A No, sir.
- Q What's the name of the child? A Etta V. Harrington.
- Q How old is it? A Eleven years old.
- Q Has Mark Harrington any Choctaw blood? A Not that I know of.
- Q You never heard that he had any? A No, sir.
- Q Amelia is the name of the mother of this child? A Yes, sir.
- Q She was your daughter? A Yes, sir.
- Q How much Choctaw blood did Amelia have? A I couldn't tell you.
- Q Did Amelia's father have any Choctaw blood? A I can't answer that
- Q You never heard that he had any? A No, sir, I never heard him say a word whether he had any or not.
- Q Now, you, I believe, stated that you had one-half Choctaw blood? How did you get your Choctaw? A My father said he was more than half, and I used to hear my mother say my father was Choctaw, and that's what lots of my old owners or relations say - that he was half, my grand father was over half, and my father was half, and maybe a little more.
- Q And your mother, you don't know how much she has? A No, sir, I can't tell anything about that.

Martha Falls, et al., 6.

- Q Are any of your father's brothers or sisters living? A No, sir, he never had any brothers or sisters that I know anything about.
- Q Did your mother ever have any brothers or sisters? A Yes, sir, all of her sisters are dead but one.
- Q What's the name of her sister who is living? A Jennie.
- Q Jennie what? A I can't tell; I just heard her say her name was Jennie.
- Q Where does she live? A She lives in Arkansas, somewhere.
- Q Has your mother any brothers living? A No, sir.
- Q She ever have any brothers? A Yes, but they are all dead, I think.
- Q Are any of their children or grand children living? A No, sir.
- Q Did any of your mother's sisters leave children? A Yes, sir.
- Q How many of them left children? A There's one.
- Q What was her name? A Kersan.
- Q What other name did she have? A That was her given name.
- Q What was her other name? A Kersan Bird.
- Q How many of her children are living now? A I think there's four boys and four girls.
- Q What are their names now? A Mary Edwards, Millie Woodcock and Bina Bird.
- Q Next one? A Elmira Thomas.
- Q That's all the girls? A Yes, sir.
- Q What are the boy's names? A Isaac Bird, Jimmie Bird, Jacob Bird, John Wesley Bird.
- Q That's all of them, is it? A Yes, sir.

(The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. Her hair, however, is rather inclined to be straight; her features and facial expression are those of a negro; she does not speak or understand the Choctaw language.)

D. C. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled case at Meridian, Mississippi, on the 16th 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 25th day of April, 1902.

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

By *[Signature]* Deputy.

State of Mississippi,)

County of Holmes )

KNOW ALL MEN BY THESE PRESENTS, That I Martha Falls  
have made, constituted and appointed, and by these presents do make,  
constitute and appoint John C. Hill of Meridian, Lauderdale County,  
Mississippi, my true and lawful attorney for me, and in my name and  
stead to represent me as claimant to Choctaw Lands, and as a Mississ-  
ippi Choctaw, before The Commission To The Five Civilized Tribes,  
giving and granting unto my said attorney full power and authority  
to do and perform all and every act and thing whatsoever requisite and  
necessary to be done in and about the premises, hereby ratifying the  
services he has already rendered me as attorney, and confirming all  
that my said attorney shall lawfully do as my attorney in law afore-  
said.

In witness whereof, I have hereunto set my hand and seal this  
the 23d day of May A.D. 1902.

Martha Falls

Signed in presence of

W. C. Simmons

*In Mother Falls,*

5284

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 11 1902



ACTING CHAIRMAN.

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

C. M. W.  
C. V. W.

-----;-----

In the matter of the application of Martha Falls  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

|                           |          |       |
|---------------------------|----------|-------|
| Martha Falls, et al.....  | M. C. R. | 5284  |
| Mary E. F. Wigolson.....  | M. C. R. | 5452  |
| Julius Falls, et al.....  | M. C. R. | 5463  |
| Eugene Falls.....         | M. C. R. | 5454  |
| Frank Garland, et al..... | M. C. R. | 5286  |
| Sallie Sample.....        | M. C. R. | 5287  |
| Felix Garland, et al..... | M. C. R. | 5283  |
| Irene Garland.....        | M. C. R. | 5450  |
| Augustus S. Garland.....  | M. C. R. | 5451  |
| Jesse Garland, et al..... | M. C. R. | 5285. |

--: 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 Martha Falls for herself and her minor grandchild, Etta V.  
Harrington; by Mary E. F. Wigolson, for herself; by Julius Falls,  
for himself and his minor child, Levasseur E. Falls; by Eugene Falls  
for himself; by Frank Garland for himself and his four minor chil-  
dren, Clarence, Jesse, Jimmie and Elmira Garland; by Sallie Sample

(2).

for herself; by Felix Garland for himself and his four minor children, Nellie, Gertrude, Chester A. and Howard A. Garland; by Irene Garland for herself; by Augustus B. Garland for himself; and by Jesse Garland for himself and his eight minor children, Mintie, Beatrice, Applis, Aszy, Jesse Jr., Robbie, Frederick and Zilphia Garland, 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 Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jesse Garland, who, as a slave, was known as Jesse Sample, an alleged Chectaw Indian (degree of blood not given) and Millie Garland, a slave woman, his wife, who is also alleged to have been possessed of Chectaw blood (degree not given), both of whom are alleged to have resided in the state of Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or



(3).

committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

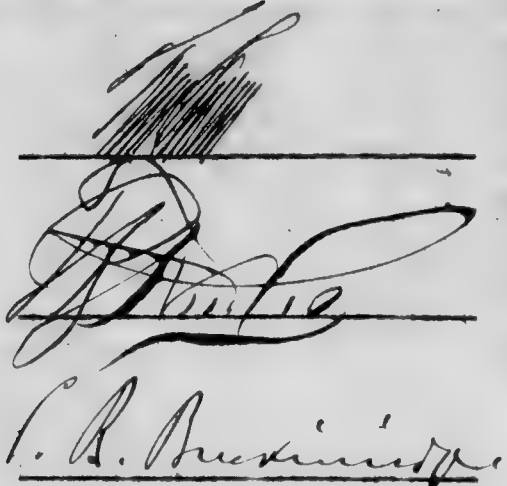
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that either the said Jesse Garland (or Sample) or Millie Garland (or Sample) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E. F. Wigelson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Kimira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Assy Garland, Jesse Garland Jr., Bobbie Garland, Frederick Garland and Eliphia

(4).

Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



A handwritten signature in cursive script, appearing to read "C. R. Buckner", is written over two horizontal lines. The signature is fluid and somewhat stylized.

Muskogee, Indian Territory,

JUL 12 1907

Miss. Choctaw R5284

Muskogee, Indian Territory, June 11, 1902.

John C. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7, inclosing the powers of attorney of Martha Falls, Sarah Sample, Frank Garland, Felix Garland, Jesse Garland, D. W. House, Frank Harrison, authorizing you to act as their attorney before the Commission to the Five Civilized Tribes in the matter of their applications for identification as Mississippi Choctaws, and the same have been filed with the records in these cases.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R5284

Muskogee, Indian Territory, June 25, 1902.

Mrs. Virginia E. Grant,  
Riceville, Arkansas,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 16, addressed to the Secretary of the Interior, which has been referred to this Commission for consideration and appropriate action. You state therein that you are a daughter of Mattie Falls who appeared before the Commission at Meridian, Mississippi, and succeeded in establishing her claim, and ask how you must proceed in order to establish your right.

In reply to your letter you are advised that it appears from our records that Martha Falls, sixty years of age, of Richland, Mississippi, appeared before the Commission at Meridian, Mississippi, April 10, 1902, and applied for the identification of herself and her minor grand child, Etta V. Harrington, as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to their rights 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 each 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 will require of applicants for identification as Mississippi Choctaws under the provisions of the law and the treaty above quoted, a reasonable demonstration of the fact that they are descendants of Choctaw ancestors who lived in the old Choctaw Nation in 1830 and whose claims under said fourteenth article of the treaty of 1830 were favorably adjudicated.

If you desire to present a claim for identification as a Mississippi Choctaw, you will be heard upon your personal appearance at the office of the commission at Muskogee, Indian Territory. In

V.F.G. 3

view of the probability of some early date being fixed or agreed upon terminating the time within which the Commission can receive and consider applications of this character, it is suggested that if you desire to make application, you should do so as early as practicable.

Yours truly,

M.C.R. 5284.

Muskogee, Indian Territory, July 12, 1902.

John C. Hill, Attorney at Law,  
Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5284 |
| Mary E.F. Wigolson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5285      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

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

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

Said decision concludes as follows:

J.C.H. -----2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary B.P. Wigelson, Julius Falls, Levassour B. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Fannie Garland, Elmira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus B. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Asay Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Eliphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

James H. [unclear]  
Acting Chairman.

Registered.



M.C.R. 5204.

Muskogee, Indian Territory, July 12, 1902.

Mansfield, Mc Murray & Cornish,

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

Gentlemen:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5204 |
| Mary E.F. Wigelson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5206      |
| Sallie Sample,         | " 5207      |
| Felix Garland, et al., | " 5203      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5205.     |

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 Martha Falls, Etta V. Harrington, Mary E.F. Wigolson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Assy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

COPY

M.C.R. 5284.

Muskogee, Indian Territory, July 12, 1902.

Martha Falls,  
Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5284 |
| Mary E.F. Wigolson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5285      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5288      |
| Irene Garland,         | " 5450      |
| Augustus B. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5286.     |

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

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

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Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E.P. Nigolson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Eldira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Assy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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,

*W. H. Smith*  
Acting Chairman.

Registered.

H.C.R. 5284.

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha Falls, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

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

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | H.C.R. 5284 |
| Mary E.F. Higolson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5283      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

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

2

Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED

*Sam* *Stacy*

Through the Commissioner of  
Indian Affairs.

Acting Chairman.

1 enclosure.

C - o - p - y.

Land.  
41705-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Sept. 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the consolidated Mississippi Choctaw case of Martha Falls, et al.

Said consolidated case includes the following applications for identification as Mississippi Choctaws: Martha Falls applies for herself and her minor grandchild, Etta V. Harrington; Mary E. F. Nigolson, for herself; Julius Falls for himself and his minor child, Levasseur E.; Eugene Falls for himself; Frank Garland for himself and his four minor children, Clarence, Jesse, Jimmie and Elmira; Sallie Sample for herself; Felix Garland for himself and his four minor children, Nellie, Gertrude, Chester A. and Howard A.; Irene Garland for herself; Augustus S. Garland for himself and Jesse Garland for himself and his eight minor children, Mintie, Beatrice, Applis, Azzy, Jesse Jr., Robbie Frederick and Zilphia.

Descent is claimed from Jesse Garland, or Samples, and

--2--

Millie, his wife.

The applicants are not full blood Choctaw Indians; the records of this office do not show that either of the alleged ancestors received a patent for land under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, or that they received or attempted to secure the benefits of the said article fourteen.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants, be affirmed.

Very respectfully,

Your obedient servant.

A. C. TONNER,

Acting Commissioner.

WCV  
D

3 inclosures.



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DEPARTMENT OF THE INTERIOR.

Washington, October 6, 1902.

ITD.5996-1902.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

With your letter of July 12, 1902, was transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, towit: Martha Falls, Etta V. Harrington, Mary E. F. Nigolson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Azzy Garland, Jesse Garland Jr., Robbie Garland, Frederick Garland and Zilphia Garland.

The applicants endeavor to trace their descent from one Jesse Garland, "who, as a slave, was known as Jesse Sample, an alleged Choctaw Indian, - - and Millie Garland, a slave woman, his wife," an alleged Choctaw Indian, both of whom are alleged to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that either

--2--

of their alleged ancestors complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., ~~180~~ 513). You refused the application July 12, 1902.

Forwarding the papers September 30, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the entire record, the Department affirms your decision.

Respectfully,

THOM. RYAN,

Acting Secretary.

1 inclosure.

M C R 1384

COPY.

Muskogee, Indian Territory, October 16, 1902.

Martha Falls,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGN)

James L. Doby.

Acting Chairman.

M O R 5284

Muskogee, Indian Territory, October 16, 1902.

John C. Hill,  
Attorney at Law,  
Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,  
JCH

Acting Chairman.

M C R 5384

Muskogee, Indian Territory, October 16, 1902.

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

Gentlemen:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

Isaac, Dead — [ Jesse Garland (Slave), Dead  
(formerly Jess Samples)  
wife  
Millie Garland, (Slave) Dead

MCR 5281  
Martha Garland, 60. 12  
married  
Julius Falls, Dead

Amelia Falls, Dead  
married  
Mark Harrington, Living  
MCR 5282  
Mary E. Falls, 26. 14  
married  
Quintan Higdon,  
MCR 5283  
Julius Falls, 25. 14  
wife  
Eva N. Falls,  
MCR 5284  
Eugene Falls, 22. 14  
Willie Falls, MCR 60. 14  
Virginia Falls  
married  
Grant.

MCR 5284  
Etta V. Harrington, 11  
Leroseur E. Falls, 2 m

MCR 5285  
Frank Garland, 58  
wife  
Felicia Garland.

MCR 5287  
Sallie Samples, 56.

Ibbie Garland,  
married  
Falls.

Maggie Garland  
married  
Rayland  
Minnie Garland  
Carrie Garland  
married  
Diamond  
Corra Garland  
married  
Washington  
MCR 5286  
Clarence Garland, 17  
Jesse Garland 14  
Jimmie Garland 13  
Edmira Garland 10

Consolidated Case  
of  
Maitha Falls, et al,  
REFER TO M. C. R. 5284.

Isaac, Dead

Jesse Garland (Slave) Dead  
wife  
Alice 2/4

Millie Garland (Slave) Dead  
wife  
L. 1/4

Keruan Bird, Dead

MCR  
5283

Felix Gardner, 51, 1/2  
wife  
Alberta Gardner

MCR  
5285

Jesse Garland, 40, 1/2  
wife  
Celara Gardner

Mary Bird  
married  
Edwards

Millie Bird  
married  
Woodcock

Edmira Bird  
married  
Thomas

Bina Bird

Isaac Bird

Jimmie Bird

Jacob Bird

John Wesley Bird

MCR  
5286

Irene Garland, 24 1/4

Augustus S. Garland, 21, 1/4

Nellie Garland, 18

Bertude Garland, 17

Chester A. Garland, 15

Howard A. Garland, 13

MCR  
5287

Mintie Garland, 17

Beatrice Garland, 15

Apples Garland, 13

Azzy Garland, 13

Jesse Garland, Jr., 7

Robbie Garland 6

Frederick Garland 3

Zilphia Garland 1



#2034

No. 5031

For Identification as a Mississippi Choctaw.

Meridian Miss Date APR 16 1902

Name Martha Falls

Age 60 Blood 1/2

Post Office, Richland, Miss

Father: Jesse Carlwood d

Mother: Millie " d

(Claims through both parents.  
For self and child.)

Children:

Etta V. Harrington " L  
Father ~~James~~ Mark Harrington d  
Mother Amelia " d

Stenographer

V. S. Steyer

Choctaw MCR 5285

Jesse Garland

See MCR 5284

MCR 5285

Choctaw MCR 5285

Jesse Garland

See MCR 5284

MCR 5285

6285

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Jesse Garland for the identification of himself and his eight minor children, Mintie, Beatrice, Applis, Azzy, Jesse Jr., Robbie, Frederick and Zilphia, as Mississippi Choctaws.

Jesse Garland, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jesse Garland.  
Q How old are you? A Forty.  
Q What's your post office address? A Richland, Mississippi, Holmes County.  
Q How long have you lived in Holmes County? A All my life.  
Q How much Choctaw blood have you? A Half, I guess.  
Q What's your father's name? A Jesse Garland.  
Q Is he living? A Not that I knows of. He went off in '79 or '80.  
Q Never seen him since? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Millie Garland.  
Q You were born in slavery? A Yes, sir, the latter part.  
Q Through which one of your parents did you get your Choctaw blood?  
A Both sides.  
Q How much Choctaw blood would your father have? A Well, his owners claimed three quarters.  
Q How much Choctaw blood did your mother have? A Half, I think.  
Q Have all of your Choctaw ancestors always lived here in Mississippi? A Yes, sir, all I know.  
Q Are you a full brother of Felix Garland, who appeared before the Commission here today? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Been married more than once? A No, sir.  
Q Has your wife? A No, sir.  
Q Is your wife living? A Yes, sir.  
Q What's her name? A Clara Garland.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her? A No, sir.  
Q How many children have you living? A Eight.  
Q What are their names and ages? A Mintie.  
Q How old? A She's born in '85, making her seventeen years.  
Q Next? A Beatrice, born March 11, '87, fifteen years.  
Q Next? A Applis and Azzy.  
Q Applis a boy? A Applis is a girl and Azzy a girl, thirteen years old; they are twins.  
Q Next one? A Jesse Jr., he is seven.  
Q Next? A Robbie, six years old.  
Q Next? A Frederick, three years old, and Zilphia, one year old.  
Q Are these eight children all living with you at this time? A Yes, sir.

Jesse Garland, et al., 2.

Q Are they all the children of yourself and Clara Garland? A Yes, sir.

Q This application, then, is for yourself and eight minor children? A Yes, sir, that's right.

Q Has any application of any description ever been made for you or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A No, sir, not that I know of.

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

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

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder, so far as you know? A So far as I know, no, sir.

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

Q Did any of them live here at the time to your knowledge? A I was not born then, 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 Not that I know of.

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

Q Any of them ever claim or receive any land here in Mississippi from the Government to your knowledge? A Not that I know of.

Q Did you ever hear of any of your Choctaw ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir.

Q You understand the causes which brought about the certain Acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to certain rights under the 14th article of the treaty of Dancing Rabbit Creek, which had been tendered them, do you not? A Yes, sir.

Q And you understand the provisions of those Acts? A Yes, sir.

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

Q You understand the provisions of the Act of Congress approved August 23, 1842, with reference to the issuance of scrip to the certain class of claimants under this 14th article of the treaty, do you know? A Yes, I understand that.

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

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

Jesse Garland, et al., 3.

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

Q Have you any witnesses here today? A No, sir, none except Mr. J.C.Hill. My brother introduced in support of his application certain affidavits which I would ask to have considered in connection with my application.

Q What do you expect to prove by J.C.Hill? A He knowed my father when he was quite a boy; he knowed him all his life and stayed around there with him - and knowed him.

Q Is that all you expect to prove by him? A Yes, sir, that's all.

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

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

Q When? A '84.

Q Where were you married to her? A Near Richland.

Q In Holmes County, Mississippi? A Yes, sir.

Q Who married you? A Isaac Crawford.

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

It will be necessary that the commission be furnished with proper evidence of your marriage to your wife, Clara, to be used in connection with the application which you make in behalf of your minor children. This evidence should be furnished within thirty days from this date, if possible.

Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood; his hair is almost straight, and his facial expressions, color, would indicate that he might be possessed of some Indian blood. He does not speak or understand the Choctaw language

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th day of April, 1902, and that

Jesse Garland, et al., 4.

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. L. Street*

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of April, 1902.

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

By

*J. M. ...*

Deputy.

COPY.

M.C.R. 5266.

Muskogee, Indian Territory, July 12, 1902.

Jesse Garland,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5284 |
| Mary E.F. Wigolson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5293      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 498) which is as follows:

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



Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E.F. Nigolson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jirmie Garland, Elmira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Assy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

James D. Kirby,

Acting Chairman.

Registered.

M O R 5285

Muskogee, Indian Territory, October 16, 1902.

Jesse Garland,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

*In re Jessie Garland*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED T. S.  
**FILED**  
JUN 11 1892

*[Handwritten signature]*

*[Handwritten mark]*

State of Mississippi,)

County of Holmes )

KNOW ALL MEN BY THESE PRESENTS, That I Jesse Garland have made, constituted and appointed, and by these presents do make, constitute and appoint John C. Hill of Meridian, Lauderdale County, Mississippi, my true and lawful attorney for me, and in my name and stead to represent me as claimant to Choctaw Lands, and as a Mississippi Choctaw, before The Commission To The Five Civilized Tribes,, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, hereby ratifying the services he has already rendered me as attorney, and confirming all that my said attorney shall lawfully do as my attorney in law aforesaid.

In witness whereof, I have hereunto set my hand and seal this the 23<sup>d</sup> day of May A.D. 1902.

Jesse Garland

Signed in presence of

Robert J. ...

2003

No. 5235

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date Aug 16 1907

Name Jesse Garland  
Age 40 Blood 1/2

Post Office, Scotland, Miss.

Father: Jesse Garland d.

Mother: Millie Garland d.

claims through both parents.

wife Clara Garland d.  
No claim for wife.

No. of sons

children:

- Mintie Garland 17
- Beatrice " 15
- Appie " F 13
- Azzese Jr " (M) 13
- Robbie " 7
- Frederick " 6
- Wilphia " 3
- " " 1

Stenographer

C. S. Streit

Choctaw MCR 5286

Frank Garland

See MCR 5284

MCR 5286

In re Frank Island

1880

DEPARTMENT OF THE INTERIOR  
BUREAU OF LANDS  
WASHINGTON TO THE FIVE CIVILIZED TRIBES  
FILED

APR 11 1880

*Handwritten signature or initials*

State of Mississippi,)

County of Holmes )

KNOW ALL MEN BY THESE PRESENTS, That I Frank Garland have made, constituted and appointed, and by these presents do make, constitute and appoint John C. Hill of Meridian, Lauderdale County, Mississippi, my true and lawful attorney for me, and in my name and stead to represent me as claimant to Choctaw Lands, and as a Mississippi Choctaw, before The Commission To The Five Civilized Tribes, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, hereby ratifying the services he has already rendered me as attorney, and confirming all that my said attorney shall lawfully do as my attorney in law aforesaid.

In witness whereof, I have hereunto set my hand and seal this the 23d day of May A.D. 1902.

Frank Garland

Signed in presence of

Robert Simmons



5286

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Frank Garland for the identification of himself and his four minor children, Clarence, Jesse, Jimmie and Elmira, as Mississippi Choctaws.

Frank Garland, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Frank Garland.
- Q How old are you? A Fifty eight.
- Q What's your post office address? A Hoodman, Mississippi, Holmes County.
- Q How long have you lived in Holmes County? A Bred and born there.
- Q Lived there all your life? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A Jesse Garland.
- Q Mother living? A No, sir.
- Q What was her name? A Millie.
- Q Are you a full brother of Sallie Sample and Martha Falls and Felix Garland? A Yes, sir.
- Q How much Choctaw blood do you claim to have? A Well, I can't tell myself.
- Q About how much? A I can't tell how much I have got in me; I don't know how much I have got.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q Been married more than once? A Not but once.
- Q What's your wife's name? A Felicia.
- Q Has Felicia any Choctaw blood? A Not as I knows of.
- Q You make no claim for her, then, of course? A No, sir.
- Q Have you any minor children living with you? A Four. Clarence is about seventeen years old; Jesse, a boy, about fourteen years old; Jimmie, a boy, about thirteen years old, and Elmira, is a girl, about ten years old.
- Q That all of your children, now? A Yes.
- Q These children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Felicia Garland? A Yes, sir.
- Q This application, then, is for yourself and four children? A Yes.
- Q Were you married to Felicia under a license? A Yes, sir.
- Q When? A February 18, 1874.
- Q Where were you married to her? A In Richland, Holmes County, Mississippi.
- Q Who married you? A Isaac Crawford.
- Q Was he a minister of the Gospel? A Yes.
- Q I believe you stated that you haven't your license? A No, sir.

It will be necessary that you furnished the Commission

Frank Garland, et al., 2.

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

Q Has any application of any description ever been made before today for you or any of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir, never has.

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

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

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

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

Q Do you think you understand that now? A No.

The requirements of this 14th article were made of Choctaws

Frank Garland, et al., 3.

who lived here seventy one years ago, when this treaty was made, and if a Choctaw who lived here seventy one years ago, when this treaty was made, wanted to stay here and become a citizen of the States, and not move out west to the new nation, he was required by the terms of that 14th article to let the agent of the Government, here in Mississippi for the Choctaws know within six months from the time this treaty was ratified, that he wanted to stay here and become a citizen of the States, and take land. The treaty was ratified on the 24th day of ~~April~~ February 1831; after he had so notified the agent of the Government that he wanted to stay here and become a citizen of the States, and take land, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each of his children who were over ten years of age on the 27th day of September, 1830, he was entitled to a half section of land, for each of his children under ten years of age at the time the treaty was made, he was entitled to a quarter section of land., the reservations of these children were required by the terms of that 14th article to adjoin that of the parent, and the reservations for these Indians were required to include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was ratified. Now, if the Indians lived on that land for five years after February 24, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple for the land; that is, the Government would give the Indian a deed or patent to it, and it became his.

Q Did any of your ancestors ever do as that 14th article of the treaty of Dancing Rabbit Creek required that a Choctaw should do in case he wanted to stay here and become a citizen of the States and take land? A I don't know, sir.

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

Q Do you know whether any of them lived here at that time? A Not that I know of.

Q Did any of your ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I don't know nothing about that.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, I didn't hear anything like that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

Q Any of them ever get any land here in Mississippi, under any other provision in that treaty? A No, sir, not that I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the

Frank Garland, et al., 4.

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

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, I don't know nothing about that. Not that I know of.

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

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

Q Have you any witnesses here today? A None but my brother.

Q That brother has given in his name? A Yes.

Frank Garland, et al., 5.

Q Have you any written evidence to offer? A No, sir.  
Q Are you a full brother of Felix Garland, who appeared before the Commission? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you would like to make at this time in support of your application? A No, sir.  
Q How many children have you of age? A Four., Maggie Ragland.  
Q Next one? A Minnie Garland.  
Q Next one? A Carrie Diamond.  
Q Next one? A Cora Washington stays in Y. lo City.  
Q Have you any children dead? A No, sir.  
Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood predominates. His hair, however, is rather incline to be straight; his features and facial expressions are those of a negro. He does not speak or understand the Choctaw language.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of April, 1902.

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

By *M. A. M. M.*

Deputy.

M.C.R. 5286.

Muskogee, Indian Territory, July 12, 1902.

Frank Garland,

Goodman, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5284 |
| Mary E.F. Wigelson,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5287      |
| Felix Garland, et al., | " 5288      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E.F. Wigelson, Julius Falls, Levasseur E. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Nellie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Appie Garland, Aszy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Elphie Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

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

Yours truly,

Acting Chairman.

Registered.

N.Y.

M O R 5286

Muskogee, Indian Territory, October 16, 1902.

Frank Garland,

Goodman, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.



For Identification as a Mississippi Choctaw.

Meridian, Miss.  
Date

Apr 26 1902

Name Frank Garland

Age 58 Blood don't count

Post Office, Goodman, Miss.

Father: Jesse Garland M

Mother: Millie " M

Claims through both parents.  
Wife: Fannie Garland L  
No claim for wife.

Children:  
Clarence Garland 17  
Jesse " (M) 14  
Jimmie " 13  
Elmira " 10

Stenographer  
R. A. Street

Choctaw MCR 5287

Sallie Sample

See MCR 5284

MCR 5287

5287

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Sallie Sample for  
identification as a Mississippi Choctaw.

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

Examination by the Commission.

- Q What is your name? A Sallie Sample.  
Q How old are you, Sallie? A Fifty six years old.  
Q What's your post office address? A Richland, Mississippi, Holmes  
County.  
Q How long have you lived in Holmes County? A All my life.  
Q Were you a slave? A Yes, sir, I think I was; I know I was.  
Q Is your father living? A No, sir, I don't think he is; he went  
off, and I haven't heard from him since.  
Q What was his name? A Jesse Garland.  
Q Is your mother living? A No, sir, she's dead.  
Q What was her name? A Millie Garland.  
Q Did your father have any Choctaw blood? A They say he did, I  
didn't know; he looked so much like an Indian, I think he was.  
Q How much Choctaw blood did he have? A I don't know.  
Q Did your mother have any Choctaw blood? A They say she did.  
Q How much? A I don't know how much.  
Q Did you know any of your grand parents? A No, sir.  
Q Do you know whether any of your father's parents had Choctaw  
blood? A I don't know none but him.  
Q Which one of his parents, father or mother, had Choctaw blood?  
A Both.  
Q Your father's father and mother both? A No, sir, my father and  
mother.  
Q Which one of your father's parents, his father or his mother,  
which one of them had Choctaw blood? A I don't know his father or  
mother.  
Q Do you know which one of your mother's parents had Choctaw blood?  
A Her father.  
Q What was his name, do you know? A His name was Isaac, I believe.  
Q Do you know how much Choctaw blood he had? A No, sir, I don't  
know.  
Q So far as you know, have all of your Choctaw ancestors always  
lived here in Mississippi? A That's all I ever heard.  
Q About how much Choctaw blood do you claim to have? A I don't  
know, sir, how much.  
Q Are you married? A No, sir, not married.  
Q Any children living? A No, sir.  
Q Did you ever have any children? A No, sir.  
Q This application, then, is for yourself only, is it? A Yes,  
sir.  
Q Has any application ever been made before today in your behalf  
for the purpose of establishing your rights as a Choctaw Indian?  
A No, sir, not that I can remember.

Sallie Sample, 2.

Q You are sure you never made any application yourself? A Yes, sir.

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

Q Do you understand that 14th article? A Not exactly.

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

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

Q Do you think you understand that now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A No, sir.

Q You are sure of that, are you? A Yes, sir.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made?

A No, sir.

Sallie Sample, 3.

Q Did any of them live here at that time? A No, sir, not that I can remember.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I can remember.

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 nothing about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I never heard of that.

Q Did any of them ever get any land from the Government to your knowledge? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1833 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi, between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally 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.

Sallie Sample, et al., 4.

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

Q Do you know of any real old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Not that I know of.

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

Q Have you any written evidence to offer at this time? A No, sir.

Q Any witnesses here today? A No, sir, I have no witnesses only my brothers and sisters; my brother, Felix Garland, offered some evidence in support of his application which I desire to have offered in mine; I also have one witness, J. C. Hill, whose testimony I desire to have taken in this case.

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q Are you a full sister to Felix Garland, who just appeared before the Commission? A Yes, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood predominates. Her hair, however, is rather inclined to be straight; her features and facial expressions are those of a negro; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 16th 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 26th day of April, 1902.

*E. J. Hill*  
*L. D. Massey*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M.C.R. 5267.

Muskogee, Indian Territory, July 12, 1902.

Sallie Sample,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Martha Falls, et al.,  | M.C.R. 5264 |
| Mary M.F. Wigelsen,    | " 5452      |
| Julius Falls, et al.,  | " 5453      |
| Eugene Falls,          | " 5454      |
| Frank Garland, et al., | " 5286      |
| Sallie Sample,         | " 5267      |
| Felix Garland, et al., | " 5283      |
| Irene Garland,         | " 5450      |
| Augustus S. Garland,   | " 5451      |
| Jesse Garland, et al., | " 5285.     |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary R.F. Wigelson, Julius Falls, Levasseur R. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Minira Garland, Sallie Sample, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Assy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

  
Acting Chairman.

Registered.



M C R 5287

Muskogee, Indian Territory, October 16, 1902.

Sallie Sample,  
Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

*In re Sarah Sample*

5287

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 11 1862



State of Mississippi,)

County of Holmes ( )

KNOW ALL MEN BY THESE PRESENTS, That I Sarah Sample have made, constituted and appointed, and by these presents do make, constitute and appoint John C. Hill of Meridian, Lauderdale County, Mississippi, my true and lawful attorney for me, and in my name and stead to represent me as claimant to Choctaw Lands, and as a Mississippi Choctaw, before The Commission To The Five Civilized Tribes, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, hereby ratifying the services he has already rendered me as attorney, and confirming all that my said attorney shall lawfully do as my attorney in law aforesaid.

In witness whereof, I have herunto set my hand and seal this the 23d day of May A.D. 1902.

Sarah Sample

Signed in presence of

Ret. J. J. J.

21-177

No. 5287

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 16 1902

Name Sallie Sample

Age 36 Blood not known

Post Office, Richland, Miss.

Father: Jesse Garland d

Mother: Millie " d

Claims through both parents

Not <sup>only</sup> children:

Stenographer (V. S. Steil)

Choctaw MCR 5288

Presley Benson

MCR 5288

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.

-----  
In the matter of the application of Presley Benson, et al.,  
for identification as Mississippi Choctaws, M. C. R. 5288.

----- I N D E X. -----  
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5288

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, April 16, 1902.

In the matter of the application of Presley Benson, for the identification of himself, his wife, Henrietta, and five minor children, Barfield, Mary, Lucy, Sing and Jeffry, as Mississippi Choctaws.

Presley Benson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Presley Benson.  
Q How old are you? A Going on sixty one.  
Q What's your post office address? A Greensboro, Alabama.  
Q What county? A Hale County.  
Q How long have you lived in Hale County, Alabama? A About eighteen or nineteen years.  
Q Where did you live before that? A In Perry County.  
Q How long did you live there? A All my life.  
Q Were you a slave? A Yes, sir.  
Q Is your father living? A I reckon he is; he is in the Indian Territory. I haven't heard from him for twenty one years; his owners took him to the Territory. He was a Mississippi Choctaw and they took him there to the Territory.  
Q What was his name? A John Ivey.  
Q How old do you think your father would be if he were living now?  
A He would be somewhere about eighty seven or eighty nine years old.  
Q When did he go to the Territory? A He went a while before the Civil War; three or four years before that.  
Q He was a slave too, and his owners carried him out there? A Yes, he come from there; they say he was stole and brought from there.  
Q How much Choctaw blood did he have? A They said he was three quarters.  
Q Is your mother living? A No, sir, she's dead.  
Q What was her name? A Fannie Benson.  
Q Well, did she have any Choctaw blood? A No, sir, I don't know.  
Q How much Choctaw blood do you claim to have? A Well, I claims nearly a half; that's what they say.  
Q Were your father and mother lawfully married? A Not that I knows of; but that was out of my sight; they just put them together without any license; I know that well; a heap of them married and a heap didn't.  
Q How long did they live together? A They lived together when he went away from here; he had one son grown.  
Q They lived together from the time of the birth of this son up until the time your father left? A Yes, sir, my oldest brother was grown.  
Q How many children did they have during that time? A Nine; they had nine children.

Presley Benson, et al., 2.

- Q Do you know the name of your father's father? A Yes, sir.  
Q What was it? A John Ivey.  
Q The same as his? A Yes, sir.  
Q How much Choctaw blood did he have? A Full blood Choctaw.  
Q Did you ever see him? A No, sir.  
Q How do you know he was a full blood? A I just heard them say that.  
Q Do you know where he lived? A In the Territory, they tell me - and Mississippi.  
Q Which place in Mississippi, or Indian Territory? A They said Mississippi Choctaw blood, my father did; they used to call him John Ivory Choctaw.  
Q Did your father's father ever have any other name besides John Ivey? A No, sir, that's all the name he had. He named my brothers at home now after him; I have got a brother living there named John Ivey.  
Q Well, do you know the name of your father's mother? A No, sir.  
Q Did she have any Choctaw blood? A Not that I know of. I can't tell; I reckon she did; they said she had three quarters.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A First wife is dead.  
Q Are you living with your second wife now? A Yes, sir.  
Q Have you any children by your second wife? A No, sir.  
Q Has your wife any Choctaw blood? A Yes, sir.  
Q What's her name? A Henrietta.  
Q How much Choctaw blood has she? A Her grand father was half.  
Q Well, she would be about 1/8 then? A Yes, sir.  
Q How old is Henrietta? A Going on fifty four.  
Q You are living together now? A Yes, sir.  
Q Were you married to her under a license? A Yes, sir.  
Q When were you married to her? A Married to her about in 1893; I married in '93.  
Q Has she lived in Alabama all her life? A Yes, sir, bred and born in Alabama.  
Q Through which one of her parents did she get her Choctaw blood? A Her father.  
Q What was his name? A Named Daniel Burden.  
Q He is dead? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Is your wife's mother living? A No, sir. Well, she don't know whether she is or not.  
Q What was her name? A She was named - I can't think of that right now.  
Q She was a slave too? A Yes, sir, she come here to Enterprise, Mississippi, during the war; she don't know whether she is living or not.  
Q Did Daniel Burden live in Alabama all his life? A He come from Choctaw.  
Q Choctaw what? A Choctaw Nation; they said he come from - that 's all I know.  
Q Well, from Choctaw County, Alabama? A No, I think Choctaw Mississippi blood.  
Q Choctaw County, Mississippi? A Yes, sir, I reckon that's it.  
Q Did you ever see Daniel? A Yes, sir.  
Q You don't know just where he did come from? A No, sir, they just said he come from the Choctaw Nation; I heard him say it.



Preasley Benson, et al., 3.

- Q Do you know the names of his parents? A No, sir, I don't know none of his parents.
- Q Which one of his parents had Choctaw blood? A His father was full blood.
- Q You can't think of his name? A No, sir.
- Q Where did he live? A In Hale County, Alabama.
- Q Wasn't he a slave too? A No, sir, but Daniel was.
- Q How many children have you living? A Five.
- Q What are their names and ages? A Garfield.
- Q How old? A He is going on eighteen years old.
- Q Next one? A Mary.
- Q How old is she? A She's about sixteen.
- Q Next one? A Lucy.
- Q How old is Lucy? A Lucy is about fourteen.
- Q Next? A Sing.
- Q How old is Sing? A About eleven or twelve.
- Q Next one? A Jeffry.
- Q How old? A Going on nine years old.
- Q Are these five children all living with you now? A All but one.
- Q What one? A Lucy.
- Q Who does she live with? A Her sister, the one that is married.
- Q No application has ever been made for her, has there? A No.
- Q She considers your place her home? A Yes, sir.
- Q What's the name of the mother of these five children? A Name Mary.
- Q How long has she been dead? A Been dead about nine years.
- Q Did she have any Choctaw blood? A Not as I knows of. She comes from Virginia.
- Q Were you married to her under a license? A No, sir, didn't marry her under a license.
- Q When were you married to her? A In '63.
- Q During slavery times? A Yes, sir; they didn't issue a license to us.
- Q Did you live with her constantly from that time to the time of her death? A Yes, sir; lived with her until she was put under the clods.
- Q This application, then, is for yourself and your wife, and five minor children? A Yes, sir.
- Q Now, has any application of any description ever been made for you, or your wife, or any of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir, none aint been made before today.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself, wife and five minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Well, not altogether, now. You must sight me to it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by

Presley Benson, et al., 4.

the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi and not move out west 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 after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it? A Yes, sir, I understand it now.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits under it? A No, sir, Not that I know of.

Q If they ever did, what that fourteenth article required a Choctaw to do in case he wanted to stay here and become a citizen of the States, you don't know it? A No, sir, I am honest with you. I don't know it.

Q Do you know whether any of your Choctaw ancestors ever owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of. I never heard that.

Q Do you know whether any of them lived here at that time? A My wife's grand father was living there.

Q Where? A In the Choctaw; he come from there.

Q Choctaw Nation, Indian Territory? A Yes, sir.

Q I am talking of people who were living here in Mississippi and Alabama on the old reservation seventy one years ago? A I don't know anything about that.

Q Do you know whether any of your ancestors, or any of your wife's

Presley Benson, et al., 5.

ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No, sir, I don't know; I can't say.

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 None that I know of.

Q Did you ever hear of any of your people, or any of your wife's people, ever having gotten any land here in Mississippi from the Government of the United States? A No, sir.

Q Did you ever hear of any of them ever having gotten land anywhere else? A No, sir.

Q Or any money from the Government? A No, sir, never heard that.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians, who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842 provided that in case it should be finally 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

Presley Benson, et al., 6.

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 No, sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, 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, sir.
- Q Have you any written evidence to offer in support of your application? A Yes, sir.

The affidavits of Isaac Tubbs, Andrew Stewart and Charles Lee, offered in evidence, identified as Exhibits "A, B, and C", respectively, filed, and made a part of the record in this case.

- Q Who is this man Isaac Tubbs, whose testimony you offer? A One of my old playmates.
- Q Any relation to you is he? A No, sir.
- Q Black man? A Yes, sir, he is a colored man.
- Q Who is he now? A He is a colored man.
- Q Lives down there near you? A Yes, sir.
- Q No kin to you? A No, sir, used to be with my father.
- Q Who is Charles Lee? A Colored man, too; he lived with my father.
- Q He is no relation to you? A No, sir, not a bit in the world; just lived with my father.
- Q Have you any witnesses here today? A No, sir.

If you should find any witnesses, whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 30th of this month, here at Meridian, Mississippi, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make in support of your application? A No, sir.
- Q Now, how many children have you living who are of age? A Nine living of age.
- Q What are the names of those nine? A Margaret Perkins.
- Q Next one? A Mattie Long.
- Q Next one? A Allie Long.

Presley Benson, et al., 7.

Next one? A Charlotte Davis.

Q Next one? A Millie Almstead.

Q Next one? A Fannie May. That's all.

Q What are the names of the boys? A Green Benson.

Q Next one? A Frank Benson.

Q Next one? A Charley.

Q Is that all? A One named Ben.

Q Have you any children dead? A Yes, sir, three or four dead.

Q Did any of them leave children? A No, sir, died when they were infants.

Q Has your wife any brothers living? A No, sir.

Q Has she any sisters living? A She's got one living, but she hasn't heard from her in five years.

Q What's the name? A John Burden.

Q Has she any sisters living? A Not that she knows.

Q Has she any brothers or sisters dead who left children? A No, sir, not as she knows of.

Q Has your wife's father any brothers or sisters living? A I don't know whether she has or not.

Q Has he any brothers or sisters dead who left children? A No, sir, I don't know.

Q Has your ~~wife's~~ father any brothers or sisters living, to your knowledge? A No, sir.

Q Has he any brothers dead who left children? A Yes, sir.

Q What's the name of one of them? A Jesse Gover.

Q He was a brother of your father? A Yes, sir, half brother.

Q Did they have the same father? A No, sir, same mother.

Q Did your father ever have a full brother? A No, sir.

Q Did he have a full sister? A Not as I knows of.

Q Have you any brothers living? A One.

Q What's his name? A John Ivey.

Q Where does he live? A In Perry County, Alabama.

Q How many brothers have you dead? A Four dead.

Q Did any of them leave children? A Yes, sir.

Q How many of them left children? A All of them left children?

Q Are any of their children living? A Yes, sir.

Q What's the name of the oldest one of your deceased brothers?

A Harvey Benson.

Q How many of his children are living now? A So far as I know, but two.

Q What are their names? A Bob and Mandy.

Q Is Mandy married? A She's married.

Q What's her husband's name? A McBillingsley.

Q What's the name of the next one of your brothers who left children?

Q One named Wesley left four or five children.

Q Are any of those children living now? A Four.

Q What are their names? A Pinnicks, one named Presley, and girl named Margaret and one named Starry Ann.

Q Are these two girls married? A Yes, sir.

Q What's Margaret's married name? A Billingsley.

Q What's Starry Ann's married name? A Campbell.

Q Now, what's the name of the next one of your brother's who left children? A Bob /

Q How many children did he leave? A Five.

Q Are they all living now? A So far as I know.

Q What are their names? A One named John, one named Abe, one Walter

Presley Benson, et al., 8.

- Q Next? A One named General.  
Q Next? A Girl named Fannie.  
Q Is she married? A No, sir, she aint married.  
Q All of your brothers go by the name of Benson? A Yes, sir.  
Q Is that all of your brothers who are dead and left children?  
A Yes, sir, just those three.  
Q You told us a while ago, four, are you mistaken? A Yes, sir, I  
might have been mistaken.  
Q Have you any sisters dead who left children? A Yes, sir.  
Q How many? A My oldest sister she left two boys and one girl? A  
Q What are their names? A Mamie Smith.  
Q Next? A Cornelias Smith the girl's name is Ella Stookey.  
Q Have you any other sisters dead who left children? A No, sir.  
Q How many sisters have you living? A One.  
Q What's her name? A Sibbie Rutledge.

(This applicant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 16th 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 29th day of April, 1902.

*L. B. Mosley*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.







M.C.R. 5283.

Muskogee, Indian Territory, January 21, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Presley Benson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Presley Benson, Henrietta Benson, Garfield Benson, Mary Benson, Lucy Benson, Sing Benson and Jeffrey Benson as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

M.C.R. 5288.

Muskogee, Indian Territory, January 21, 1903.

Presley Benson,  
Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Presley Benson, 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 the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Presley Benson, Henrietta Benson, Garfield Benson, Mary Benson, Lucy Benson, Sing Benson and Jeffry Benson as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

P. B. # 2.

case, together with such arguments, will be forwarded to the  
Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Presley Benson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

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.  
2 Enc. M.C.R. 5288

*[Signature]*  
Commissioner in Charge

M C R 5288

Muskogee, Indian Territory, February 14, 1903.

Pressly Benson,  
Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time to submit additional evidence.

In reply to your letter you are informed that the fifteen days from January 21, 1903, heretofore granted you within which to submit arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 5, 1903. On February 6, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Acting Chairman.

( C O P Y )

Land.  
10106-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Presley Bensen, for himself, his wife, Henrietta, and his five children, Garfield, Mary, Lucy, Sing and Jeffry Benson, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

An examination of the evidence in this case shows that the ancestors through whom the applicants claim identification are John Ivey and John Ivey, father and son, ancestors of the principal applicant, and Daniel Burden, ancestor of the wife of the principal applicant, it being claimed that the ancestors were citizens of the Choctaw Nation and residents of Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants states that it is of the opinion that no freedman is entitled to identification as a Mississippi Choctaw, and on this ground rejects the applicants.

-2-

The office recommends the approval of the decision of the Commission rejecting these applicants, but for the reason that the names of John Ivey and Daniel Burden are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Guectaw treaty of 1830.

Very respectfully,

A. C. TONNER,  
ACTING COMMISSIONER.

E.B.H. H'r.  
3 enclosures.

M C R 5288

Muskogee, Indian Territory, May 15, 1903.

Pressly Benson,  
Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised as to the status of your claim for identification as a Mississippi Choctaw.

As advised in our letter to you of February 14, 1903, the record in your case, together with the decision of the Commission, was, on February 6, 1903, forwarded to the Secretary of the Interior. As soon as the Commission is advised of the decision of the Secretary, you will be duly notified thereof.

Respectfully,

Commissioner in Charge.



( C O P Y )

D.C.16897

W.C.F.

ITD.2500-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

June 3, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

February 6, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Presley Benson, his wife, Henrietta, and his minor children, Garfield, Mary, Lucy, Sing and Jeffry Benson. You refused the application, holding that no freedman is entitled to identification as a Mississippi Choctaw.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of John Ivey, through his son, John Ivey, father of the principal applicant, and Daniel Burden, father of the wife of principal applicant, it being alleged that said ancestors were Choctaw Indians and residents of the Choctaw Nation in Alabama or Mississippi in 1830.

Neither the evidence in this case nor the records of the Indian Office show that any one of said ancestors complied or attempted to comply with article 14 of said treaty or with the subsequent acts of Congress relating thereto.

Reporting March 2, 1903, the Acting Commissioner of

-2-

Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision in so far as it rejects the application.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M C R 5288

COPY.

Muskogee, Indian Territory, July 17, 1903.

Presley Benson,  
Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Presley Benson et al., of which decision you were advised by registered mail on the 21st day of January 1903.

Respectfully,

Commissioner in Charge.

M C R 5288

copy:

Muskogee, Indian Territory, July 17, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Presley Benson et al., of which decision you were advised by mail on the 21st day of January 1903.

Respectfully,

SIGNED

*[Signature]*  
Commissioner in Charge.

#2038

No. 5288

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

APR 16 1902

Name Presley Benson

Age 60 Blood 1/2

Post Office, Greensboro, Ala

Father: John Ivey d

Mother: Fannie Benson d

Claims through father

Wife Henrietta Benson (1/8) 53

Father Daniel Burton 1/4 d

Mother - Don't know d

For self, wife & children

Children:

Garfield Benson 17

Mary " 16

Lucy " 14

Sing " 12

Jeffrey " 8

another Mary " (no choc. blood) d

Stenographer

R. S. Streit

Choctaw MCR 5289

William E. Elliott

See MCR 4049

5289

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 21, 1902.

5289

In the matter of the application for identification as a  
Mississippi Choctaw of William E. Elliott.

Applicant not represented by attorney.

William E. Elliott being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William E. Elliott.--E-l-l-i-o-t-t  
Q How old are you? A I was twenty last March.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q What is your post office address? A Jackson, Indian Territory.  
Q Is your father living? A Yes, sir.  
Q What is his name? A James B. Elliott.  
Q How old is your father? A Dogged if I know.  
Q About how old do you think he is? A Between forty-five and fifty  
Q White man? A Yes, sir.  
Q No claim to Choctaw blood? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Delphia A. Elliott.  
Q How old is your mother? A She is about two years younger than  
Q my father.  
Q About forty-three or forty-five? A Yes, along there.  
Q Does she claim to have Choctaw blood? A Yes, sir.  
Q How much? A One-quarter.  
Q You claim your Choctaw blood through your mother? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is the name of your wife? A Name, now do you mean?  
Q Yes? A Mary Elliott.  
Q Does she make any claim to Choctaw blood? A No, sir.  
Q She is a white woman is she? A Yes, sir.  
Q Have you any children? A Not living, I have one dead.  
Q Is the name of your mother to be found on any of the tribal  
Q rolls of the Choctaw Nation in Indian Territory? A No, sir I  
Q don't think it is, her mother's is; my grandmother.  
Q What is your grandmother's name? A Lutitia Stamphill.  
Q Is that on the tribal rolls of the Choctaw Nation in Indian  
Q Territory? A Yes, sir.  
Q Was she a recognized citizen of the Choctaw tribe of Indians in  
Q Indian Territory? A I don't know.  
Q You say she is on the roll; what roll is she on? A On the  
Q tribal rolls I have been taught.  
Q You have been taught she is on the tribal rolls? A Yes, sir.  
Q Your grandmother's married name is what? A Lutitia Stamphill.  
Q Is it not a fact that your grandmother Lutitia Sramphill was ad-  
Q mitted to citizenship in the Choctaw Nation by a decree of the  
Q United States Court? A Yes, that is what I have been taught.  
Q That is the way her name is on the roll? A Yes, sir.  
Q By virtue of the United States Court judgment? A Yes, sir.

#2

Reference is here made to citizenship case number 841, Docket "C", page 340, entitled Charles B. Sullenger, et al., vs The Choctaw Nation, the name of Lutitia Stamphill, grandmother of this applicant, appears as a party-plaintiff in this cause, and is listed for enrollment as a citizen of the Choctaw Nation by virtue of a decree of the United States Court for the Central District, Indian Territory, said judgment being numbered 47.

- Q Is your name to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q This application you make is for yourself alone then is it? A Yes.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A Well my mother went to Colbert, would that be---.
- Q Before the tribal authority I want to know; that is, the authority of the Choctaw Nation? A I don't know.
- Q Did you ever make any application to the Choctaw tribal authority yourself? A No, sir.
- Q Was your name included in the original application filed by your mother when she made application for citizenship in ninety-six? A Yes, sir.
- Q It was included in that application? A In ninety-six?
- Q Yes; when she made her application to the Commission in ninety-six for citizenship, was your name included then? A Yes, sir.
- Q Why is it that you are not included in the judgment of the Court? A I am married.
- Q Was you married in ninety-six? A No, sir.
- Q Was your mother's name included in the application that your grandmother made in ninety-six? A I don't know.
- Q What are the names of your relatives whose names did appear in that application and who, by virtue of that judgment, were enrolled as citizens of the Choctaw Nation? A In ninety-six?
- Q Yes? A Well Charley E. Stamphill; my grandmother Lutitia Stamphill and my uncle Jim Stamphill; I don't know whether he has got a double name or not.
- Q Where were you living in ninety-six? A Living in Texas I believe
- Q Was your mother living in Texas at that time? A Yes, sir.
- Q Has your mother ever appeared before this Commission and made application at any time? A Was this when that was at Colbert?
- Q Was your mother ever before the Commission at any time? A Yes, sir.
- Q When did she appear? A About the 9th or 10th of this month she was here.

Reference is here made to Mississippi Choctaw case 5124, Delphia A. Elliott, et al.

- Q Has your mother ever made application to the Commission prior to her appearance on the 10th of the month or about that time? A She did at Colbert.
- Q You recollect when that was? A No, sir; I do not.

Reference is made to Choctaw R-572, application of Delphia Ann Elliott for enrollment of herself and children as Choctaw citizens by blood.



#3

- Q The records show that your mother appeared before the Commission at Colbert, Indian Territory, June 11, 1900, and applied for the enrollment of herself and her children as citizens by blood of the Choctaw Nation. At that time she gave the name of her oldest child as William Eggbert Elliott, born March 2, 1882. Are you that William Eggbert Elliott? A Yes, sir.
- Q You desire to make application for identification as a Mississippi Choctaw, do you? A Yes, sir.
- Q Do you make that claim under the treaty concluded between the United States government and the Choctaw tribe of Indians, September twenty-seventh, 1830, at a place called Dancing Rabbit Creek in the state of Mississippi? A Yes, sir.
- Q Do you understand the requirements of an applicant for identification as a Mississippi Choctaw, what it is required of him to prove? A No, sir.

At the time this treaty was entered into between the United States government and the Choctaw tribe of Indians, the Choctaws occupied a portion of the State of Mississippi and a small portion of the state of Alabama, lying along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country they then occupied to the new country West of the Mississippi River. At the time this treaty was made some of the Choctaws did not want to go to the New Country but wanted to remain in the old Choctaw Nation and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw desired to remain in the old Choctaw Nation, did not want to remove to this Country West of the Mississippi River, he should within six months from the ratification of the treaty by Congress, Congress ratifying the treaty on the 24th of February 1831 go before the Indian Agent there in the old Choctaw Nation and tell him in some way that he wanted to stay there, take land under this article. After having done that, as the head of a family, he was entitled to one section of land to be bounded by sectional lines of survey and for each child in his family unmarried and over the age of ten he was entitled to one half section of three hundred and twenty acres of land and for each child in his family under ten years of age he was entitled to one-quarter section of one hundred and sixty acres. The reservation of the children to adjoin the reservations of the parents and to include any improve-

ments owned by the head of the family at the time the treaty was made, September twenty-seventh, 1830. This article also required that after a Choctaw had received his land from the government, he should reside upon that land for five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of this article is as follows; "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means, that after complying with that article, in that old Choctaw Nation, by taking land and residing upon the same he did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory but did forfeit any right to any portion of the annuities. Annuities were moneys paid annually to the Choctaw tribe of Indians under treaty provisions.

- Q Now that is the article under which you base your claim for identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your ancestor who resided in the old Choctaw Nation at the time this treaty was made? A Sophie Elizabeth Sullenger and Lutitia Stamphill.
- Q You claim your Choctaw blood through your mother Delphia A. Elliott; who does she get her Choctaw blood from? A Her mother.
- Q What was her mother's name? A Lutitia Stamphill.
- Q Was that her maiden name? A I don't know, I think so though.
- Q What was your grandfather's name? A Pump Stamphill is all I know.
- Q Then your grandmother must have had some other name before she married Stamphill? A Yes, sir.
- Q What was it? A Sullenger.
- Q Do you know who your grandmother got her Choctaw blood from? A She got it from her mother.
- Q What was her mother's name? A Sophie Elizabeth Sullenger.
- Q What was her maiden name? A I don't know.
- Q Do you know anything about a compliance on the part of any of your ancestors with this article fourteen? A No, sir.
- Q Do you know whether they ever received any land from the United States government as Choctaw Indians? A No, sir.
- Q Then you have no knowledge of any compliance on the part of any of your ancestors at all with this article fourteen that I have just read to you? A No, sir; I don't know.
- Q Do you want your case to be consolidated with and considered as a part of the case of your mother Delphia A. Elliott? A Yes, and P. E. Stamphill.
- Q Did any one else appear before the Commission at the time your mother did? A Yes, my sister did.
- Q What is her name? A Ivory Burks.

Reference is here made to 5125, Ivory Burks, et al.

- Q Charles E. Stamphill is listed for enrollment as a citizen of the Choctaw Nation by virtue of judgment, United States Court which you have been told about in the early part of this examination; to then I understand you that you want your case combined with that of your mother and sister? A Yes, sir.
- Q You speak or understand the Choctaw language? A No, sir.
- Q How long have you lived in Indian Territory? A It is four years.
- Q Where were you born? A Arkansas.
- Q Where did you go to from Arkansas? A Texas.

#5

Q You have lived in Arkansas, Texas and the Indian Territory all your life? A -----

The applicant is of reddish brown fair complexion; grayish blue eyes; features and appearance of a person of white parentage. He knows of no act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. He is a son of the applicant in chief in case M.C.R. 5124, Delphis A. Elliott, et al., and at his request this case is consolidated with that of his mother.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 21, 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 7th day of May 1902.

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, December 1, 1902.

William E. Elliott,

Jackson, 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 Annie Elizabeth Stamphill, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                   |              |
|-----------------------------------|--------------|
| Annie Elizabeth Stamphill, et al. | M.C.R. 4049. |
| Julia L. Stamphill,               | M.C.R. 373   |
| Mary Keeton, et al.               | M.C.R. 376   |
| Latimer Myers Cleveland, et al.   | M.C.R. 4050  |
| Ethel J. Sartor, et al.           | M.C.R. 4649  |
| Sarah White, et al.               | M.C.R. 5201  |
| Mary Jeanette Stamphill,          | M.C.R. 5202  |
| Delphia A. Elliott, et al.        | M.C.R. 5124  |
| Ivory Burks, et al.               | M.C.R. 5125  |
| William E. Elliott,               | M.C.R. 5289  |
| Nancy L. Curtis,                  | M.C.R. 5290  |
| Nancy M. Beebe, et al.            | M.C.R. 4320  |
| Lutisha Armstrong, et al.         | M.C.R. 4321  |
| Vincent S. Stamphill, et al.      | M.C.R. 5379  |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maude Elizabeth Stamphill, Martha Stamphill, Luther Stamphill, Lennie Stamphill, Ala Stamphill, Tom Stamphill, Lillie Stamphill, Julia L. Stamphill (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, Ramsey V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Bedford Cleveland, Lindy L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Hiram White, Walter S. White, Mary Jeannette Stamphill, Delphia A. Elliott, Jessie Elliott, Deflury Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Mabel Burks, William E. Elliott, Nancy L. Curtis, Nancy A. Beebe, Charles P. Beebe, Lulishia A. Beebe, Minnie H. Beebe, Mary E. Beebe, Lillie E. Beebe, Rutisha Armstrong, William L. Armstrong, Washie Armstrong, Lonie Armstrong, Jennie Armstrong, Vincent S. Stamphill and Sallie 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 such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C. 5289.

Muskogee, Indian Territory, December 4, 1902.

R.S. Price,

Galloway, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23th ultimo, in which you ask to be informed "in regard to Mr. William Elliott's standing as a member of the Choctaw Tribe, if he is an allottee or not;" that you have leased some land from him, and desire to know his status before you improve the same.

In reply to your letter, you are informed that it appears from the records of the Commission that William E. Elliott, 20 years of age, residence Jackson, Indian Territory, is an applicant for identification as a Mississippi Choctaw.

If this is the person of whom you inquire, you are informed that on December 1, 1902, the Commission rendered its decision refusing his application; that on the same date he was notified by registered mail of the action of the Commission; and that fifteen days were allowed him from December 1, 1902, within

R S P 3

which to file with the Commission arguments in support of his claim to be forwarded with the record therein to the Secretary of the Interior, through the Commissioner of Indian Affairs.

At the expiration of said time, the record in his case, together with such arguments as may be filed, will be forwarded

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5289.

Muskogee, Indian Territory, April 18, 1903.

William E. Elliott,

Jackson, Indian Territory.

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 Tomphill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

Chairman.



MCR 5289

Muskogee, Indian Territory, December 6, 1906.

William F. Elliott,  
Jackson, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

Date

APR 21 1902

Name William E Elliott

Age 20 Blood  $\frac{1}{8}$

Post Office, Jackson St.

Father: James B. Elliott ✓

Mother: Delphia A. Elliott  $\frac{1}{4}$  ✓

Claims through mother  
wife Mary Elliott  
no claim of wife

Children:

Stenographer G. Rosenwinkel

Choctaw MCR 5290

Nancy L. Curtis

See MCR 4049

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 21, 1902.

5290

In the matter of the application for identification as a  
Mississippi Choctaw of Nancy L. Curtis.

Applicant not represented by attorney.

Nancy L. Curtis being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy L. Curtis.  
Q How old are you? A Seventeen last June.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q What is your post office address? A Emerson, Texas.  
Q Is your father living? A Yes, sir.  
Q What is his name? A James P. Elliott.  
Q Does he make any claim to Choctaw blood? A No, sir.  
Q White man? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Delphia A. Elliott.  
Q Does she claim Choctaw blood? A Yes, sir.  
Q How much? A One-quarter.  
Q How old is your mother? A Forty-three or forty-five I reckon.  
Q Where does your mother live? A Jackson, Indian Territory.  
Q Has your mother ever been before the Commission for identification as a Mississippi Choctaw? A Yes, sir.

reference is here made to M.C.R. 5124, Delphia A. Elliott, et al,

- Q You have no children? A No, sir.  
Q What is the name of your husband? A Ned Curtis.  
Q White man? A Yes, sir.  
Q No claim for him? A No, sir.  
Q You appear before the Commission at this time to make claim for identification as a Mississippi Choctaw? A Yes, sir.  
Q You claim under article fourteen of the treaty of 1830 between the United States government and the Choctaw tribe of Indians that article that I have just read and explained to your brother who made application before you? A Yes, sir.  
Q You make your claim the same as his and your mother's? A Yes, sir.  
Q You know anything about that treaty? A No, sir.  
Q You know nothing of your ancestors beyond your father and mother? A I know who they are.  
Q Who does your mother get her Choctaw blood from? A Her mother.  
Q What was her mother's maiden name? A Sullenger.  
Q What was her given name? A Lutitia Sullenger.  
Q Whom did she get her Choctaw blood from? A Her mother.  
Q What was her name? A Sophie Elizabeth Sullenger.  
Q Was that her maiden name or married name? A Married name.

#2

- Q What was her maiden name? A I don't know.  
Q Do you want this case consolidated with your mother's and made a part of the consolidated case of all who claim Choctaw blood from the same source that she does? A Yes, sir.  
Q Have you any additional testimony to give other than what your mother has furnished the Commission? A I don't know.  
Q I mean have you any more evidence than what your mother has given the Commission in her case? A Just hers and my uncles.  
Q What is your uncle's name? A Charles Stamphill.  
Q He is only listed for enrollment by order of the United States Court is he? A Yes, sir.  
Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has blonde hair; fair complexion; grayish-blue eyes; she has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830 and asks that her case be combined with that of her mother, above referred to.

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 21, 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 7th day of May 1902.

*Charles H. Sawyer*

Notary Public.

R. 487

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie C. Stanphill for the enrollment of herself and six minor children as citizens by blood of the Choctaw Nation.

The applicant, Annie C. 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 own claim and a claim that she makes for her six minor children, Martha, Luther, Bennie, Ada, Tom and Lily Stanphill, for enrollment 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 applicants had not removed to the Indian Territory in compliance with the act of June 28th, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as citizens by blood of the Choctaw Nation of Annie C. Stanphill and her six minor children, Martha, Luther, Bennie, Ada, Tom and Lily Stanphill, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory,

August 27th, 1900.

M.C.R. 5390.

Muskogee, Indian Territory, December 1, 1902.

Nancy L. Curtis,

Emerson, 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 Stamphill, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                   |             |
|-----------------------------------|-------------|
| Annie Elizabeth Stamphill, et al. | M.C.R. 4049 |
| Julia L. Stamphill,               | M.C.R. 373  |
| Mary Keeton, et al.               | M.C.R. 376  |
| Estimer Myers Cleveland, et al.   | M.C.R. 4050 |
| Rather J. Sartor, et al.          | M.C.R. 4649 |
| Sarah White, et al.               | M.C.R. 5201 |
| Mary Jeanette Stamphill,          | M.C.R. 5202 |
| Delphia A. Elliott, et al.        | M.C.R. 5124 |
| Ivory Furks, et al.               | M.C.R. 5125 |
| William E. Elliott,               | M.C.R. 5289 |
| Nancy L. Curtis,                  | M.C.R. 5390 |
| Nancy M. Beebe, et al.            | M.C.R. 4320 |
| Lutisha Armstrong, et al.         | M.C.R. 4381 |
| Vincent S. Stamphill, et al.      | M.C.R. 5379 |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

an inister oath, examine witnesses, and perform all other acts necessary thereto, and report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Elizabeth Stamphill, Martha Stamphill, Luther Stamphill, Bernie Stamphill, Ada Stamphill, Tom Stamphill, ~~Lillie Stamphill, Sallie L. Stamphill (deceased), Mary Keaton, Marie Keaton, Mary Keaton, William Keaton, James L. Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Fanny V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Hedford Cleveland, Lindy L. Cleveland, Estner J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Miran White, Walter S. White, Mary Jeanette Stamphill, Delphia A. Elliott, Jessie Elliott, Delury 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, Lutisha A. Beebe, Minnie M. Beebe, Mary E. Beebe, Lillie B. Beebe, Lutisha Armstrong, William L. Armstrong, Washie Armstrong, Lodie Armstrong, Jimmie Armstrong, Vincent S. Stamphill and Sallie 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 such 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. 5290.

Muskogee, Indian Territory, April 18, 1903.

Nancy L. Curtis,

Emerson, Texas.

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 Mississippian Chocters 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,

W. H. H. H.

Chairman.

M C R 4049

Muskogee, Indian Territory, August 9, 1906.

J. O. Pool,  
Attorney at Law,  
Nogona, Texas.

Dear Sir:

You are advised that the motion forwarded to this office with your letter of June 22, 1906, for readjudication of the rights of the applicants in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al., has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

MOR 5290

Muskogee, Indian Territory, December 6, 1906.

Nancy L. Curtis,  
Emerson, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

No. 5290

For Identification as a Mississippi Choctaw.

Date APR 21 1902

Name Nancy L Curtis

Age 17 Blood 1/8

Post Office, Emmon Texas

Father: James B. Elliott ✓

Mother: Delphia S. Elliott 1/4 ✓

Claims through mother

Husband Ned Curtis  
reclaim for her

Children:

Stenographer

G Loren Winkel

END  
OF  
ROLL

