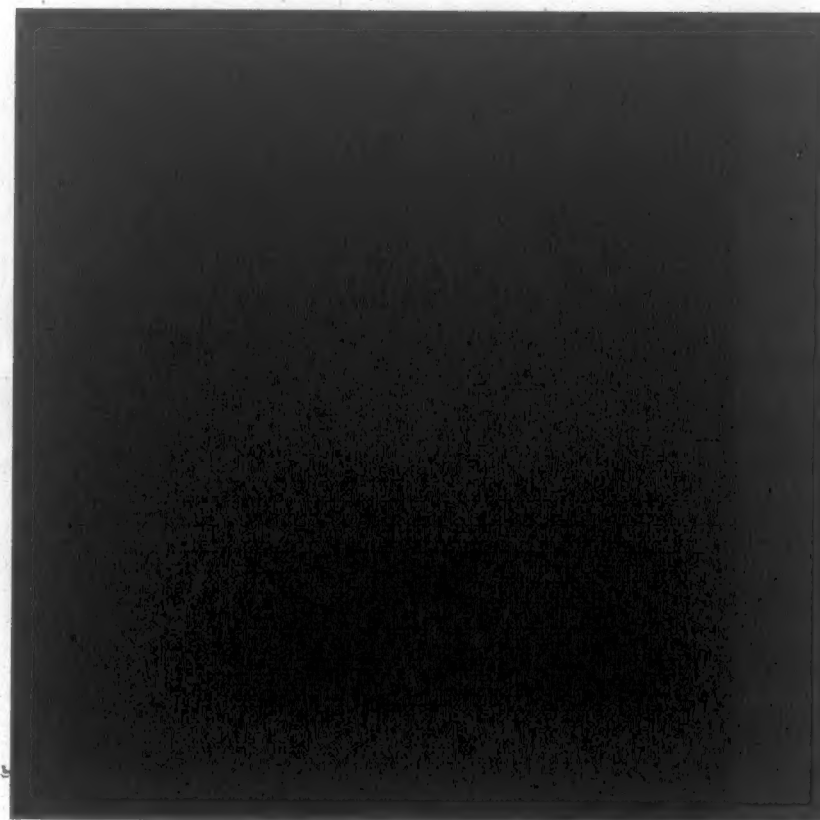
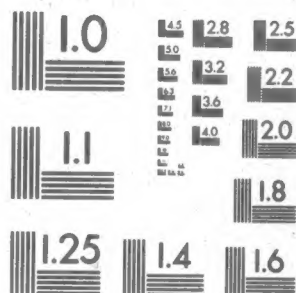
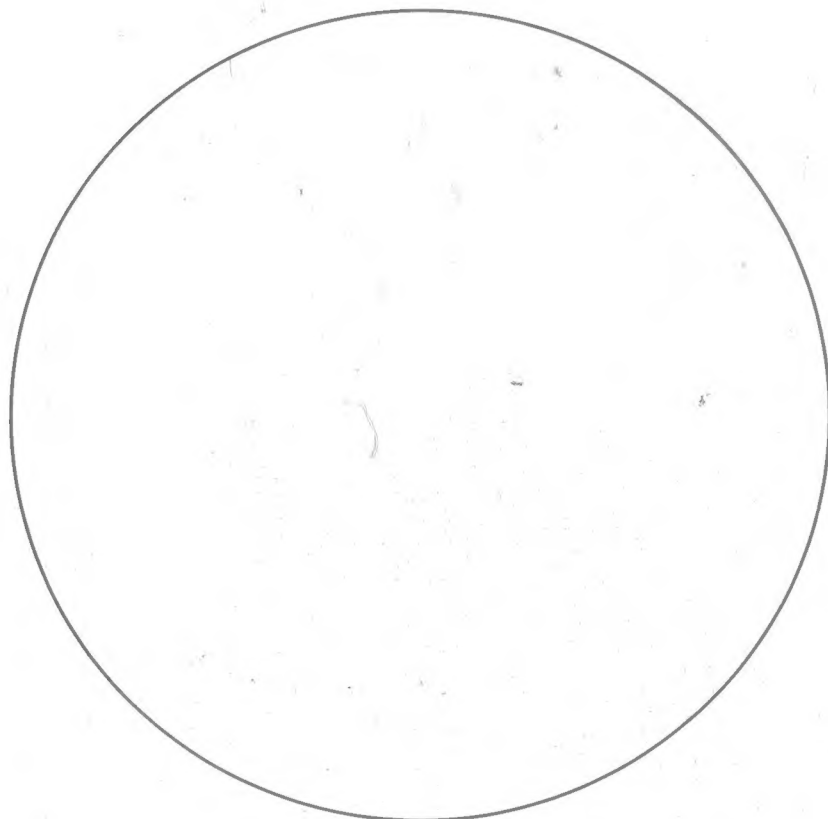
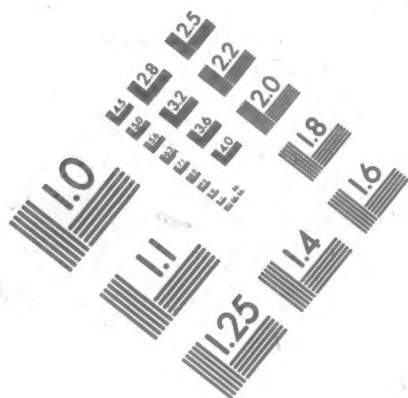


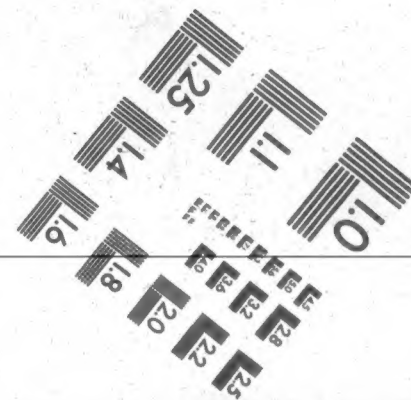
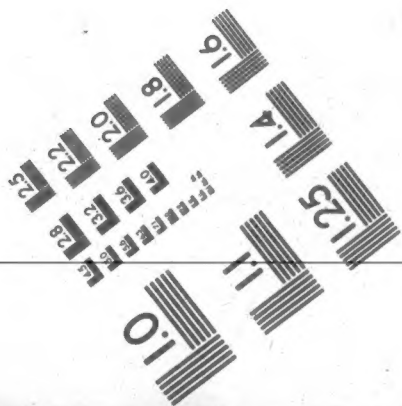
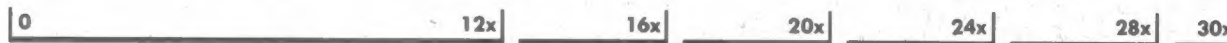


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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MISSISSIPPI CHOCTAW MCR 5491 - MCR 5576

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WASHINGTON: 1983

Choctaw MCR 5491

Bailey Harrington

MCR 5491

Sub

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

-----o-----

In the matter of the application of Bailey Harrington, et al.,
for identification as Mississippi Chestaws, M. C. R. 5491.

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

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Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Bailey Harrington for the identification of himself and his six minor children, Pearl, Lavin, Cora, Nellie, Rudie and Bailey Harrington Jr., as Mississippi Choctaws.

Appearances:

John C. Hill, Attorney for Applicant.

Bailey Harrington, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bailey Harrington.
Q How old are you? A I am about fifty years old.
Q How much Choctaw blood have you? A My grand mother was the daughter of a Choctaw.
Q Well, now, was that your father's mother or your mother's mother?
A That's my mother's mother.
Q You claim to be one eighth, then? A Yes, sir.
Q What's your post office address? A Goodman,
Q What county? A Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A His name was William Harrington.
Q What was he? A He was a white man.
Q Is your mother living? A No, sir.
Q What was her name? A Nancy Harrington.
Q Was she a slave? A Yes, sir.
Q Where was she born? A She was born in Holmes County.
Q Lived there all her life? A Yes, sir, died there.
Q How old would she be if she were living there now? A She claimed to be forty seven when she died, and she died in the year 1879, the 7th of September.
Q What was her mother's name? A Her mother's name was Patsy.
Q What was her father's name? A His name was Billy Harrington.
Q Patsy you claim was a half blood Choctaw? A Yes, sir.
Q Did you ever see her? A Yes, sir.
Q How long has she been dead? A She died before the late war.
Q How old a woman was she when she died? A I suppose she was about eighty years old.
Q Did she live in Mississippi all her life? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q You claim her father was a full blood Choctaw? A Yes, sir, so she said.
Q What was his name? A They called him John Indian.
Q What was your grand mother's mother's name? A She was named Lydia.
Q She was a slave? A Yes, sir.
Q Was this Indian married to her? A Not as I know of.
Q Did she ever have any other children by him? A I don't know.

Bailey Harrington, et al., 3.

- Q What's the name of your wife? A Mary.
Q Has she any Choctaw blood? A Not that I know of.
Q You make no claim for her? A No, sir.
Q How many children have you living under age and unmarried?
A Six.
Q What are their names and ages? A Pearl.
Q How old? A She is twenty.
Q Next one? A Katie.
Q How old? A Sixteen.
Q Next one? A Cora.
Q How old? A She's fourteen.
Q Next one? A Hollie.
Q Girl or boy? A Boy.
Q How old? A He is thirteen.
Q Next one? A Budie.
Q Boy or girl? A Boy.
Q How old? A Eight years old. Bailey Jr., he is five years old.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Mary? A Yes, sir.
Q This application, then, is for yourself and six minor children?
A Yes, sir.
Q Any application of any description ever been made before today 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 six minor children under article fourteen of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.
Q You understand that fourteenth article, do you? A Not thoroughly.

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 the 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 these Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the fourteenth article was put in the treaty. That fourteenth 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

Bailey Harrington, et al., 3.

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 fourteenth article now? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.
- Q Did any of them 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 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 the treaty of Dancing Rabbit Creek? A Not that I know of.

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 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 fourteenth 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 claim

Bailey Harrington, et al., 4.

ed that they had complied in all respects with the provisions of article fourteen 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 1843, 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 fourteenth 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 decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select 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 persons living who would likely know whether any of your ancestors ever complied or attempted to comply with this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q You don't know of any deeds, patents, or papers, of any kind, which would prove or tend to prove such a state of facts do you?

A No, sir.

Q Have you any witnesses here today to testify in your behalf?

A I have some affidavits.

The affidavit of James Harrington, and the joint affidavit of W.L. and B.G. Lashley, are offered in evidence, identified as Exhibits "A" and "B", respectively, filed, and made a part of the record in this case.

Q Who are these people who make these affidavits for you? A Lashley they was at our marriage when we were married; they testified about our marriage.

Q You haven't your marriage license and certificate with you at this time? A No, sir.

Q Where were you married? A In Holmes County.

Q Where? A Five miles above Durant.

Q When? A In '74 - December the 24th, five o'clock P.M.

Q Who married you? A John Watson, a Methodist preacher.

Q Why didn't you bring your marriage license and certificate?

Bailey Harrington, et al., vs.

A I couldn't get them, I wrote to the Circuit Clerk, and he was not --

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and your wife, Mary, 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.

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

- Q Are there any further statements you want to make? A No, sir, I believe not.
- Q What are the names of your children who are of age? A Mattie.
- Q Is she married? A Yes, sir, Marshallava Brooks.
- Q Next? A Ulysses Harrington.
- Q Next one? A Robert Harrington.
- Q That all? A Yes, sir.
- Q Where do they live? A They all live - Ulysses lives at Doddsville.
- Q What county? A Sunflower; Mattie lives at Goodman, and Robert lives at Goodman.
- Q Have they been before this Commission? A No, sir.
- Q Did you ever have any brothers or sisters? A Yes, sir, I had two other brothers and one sister.
- Q Are any of them living? A Yes, sir, all living.
- Q What are their names? A One's named Toby Harrington, Willie Jenkins, and sister, Endera Hayes, she lives at Chula, Mississippi.
- Q Have they been before this Commission? A No, sir.
- Q Did your mother ever have any brothers or sisters? A Yes, sir, my mother had brothers and sisters.
- Q How many? A She had two brothers and two sisters.
- Q Any of them living now? A No, sir, all dead.
- Q Any of them leave children? A Yes, sir.
- Q How many of them? A They are so numerous I couldn't think of them.
- Q Don't remember? A No, sir.
- Q Have any of them been before the Commission to your knowledge?
- A Not that I know of.
- Q Where do they live? A Her brother's children, one of them lives up near Black Hawk, Mississippi, and the others are scattered about; I hardly know where they all is.
- 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 white or Indian blood, shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

Bailey Harrington, et al., vs.

R. B. 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 30th 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. B. Strait

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

L.S.D.
Cull

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

In the matter of the application of Bailey Harrington,
et al., for identification as Mixed-blood Cheatees, H.S.R. 2441.

RECISION.

It appears from the record herein that application for identification as Mixed-blood Cheatees was made to this Commission by Bailey Harrington for himself and his six minor children, Pearl, Ethel, Vera, Nellie, Marie and Bailey Harrington, Jr., under the following provision of the act of Congress approved June 30, 1896: (20 Stat., 495):

Said Commission shall have authority to determine the identity of Cheate Indian claiming rights in the Cheate lands under article fourteen of the treaty between the United States and the Cheate Nation concluded September twenty seventh, eighteen hundred and thirty, and 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 Cheate lands under article fourteen of the treaty between the United States and the Cheate Nation concluded September twenty seventh, eighteen hundred and thirty, by virtue of being

descendants of John Indian (or Indian John, or John Tarley), 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 appears from the records in the possession of the Commission that the name John is found in a number of depositions, statements and schedules in Volume 1 of the Claimants' Brief and Evidence, in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, and in Volume VII of the American State papers, Public Lands. It further appears that one John received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", but there is nothing in the testimony of the applicants herein which tends to show that the John Indian (or Indian John, or John Tarley) through whom they claim is identical with any of the persons mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of

descendants of John Indian (or Indian John, or John Terley), 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 appears from the records in the possession of the Commission that the name John is found in a number of depositions, statements and schedules in Volume 1 of the Claimants' Brief and Evidence, in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, and in Volume VII of the American State papers, Public Lands. It further appears that one John received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", but there is nothing in the testimony of the applicants herein which tends to show that the John Indian (or Indian John, or John Terley) through whom they claim is identical with any of the persons mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Indian (or Indian John, or John Terley) through whom these applicants claim, or ancestors 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 and 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 (6 Stats. 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bailey Harrington, Pearl Harrington, Katie Harrington, Cora Harrington, Nellie Harrington, Rudie Harrington and Bailey Harrington Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.

Acting Chairman

T. B. Needles.

Commissioner

C. R. Breckinridge.

Commissioner

Washington, Indian Territory

DEC 29 1906

Mississippi Chancery
tax 8488, 8491, 8494

Muskogee, Indian Territory, May 18, 1901.

John C. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 12, indicating the communication of John H. McKee, Clerk Circuit Court, Bolivar County, Mississippi, to the destruction of the marriage records of that county, which you ask to have filed in support of the applications of Hybernia Lipsy et al. and Bailey Harrington, et al. respectively; also certificate of John H. McKee to the issuance of a license of marriage to Julius Falls and Eva Nicholson and the failure of the Minister to return certificate to his office, and affidavit of Felix Garland, unsigned, to the marriage of Julius Falls Jr. and Eva Nicholson. The affidavit of Felix Garland is herewith returned to you for the reason that the affiant failed to sign his name thereto. The other papers have been filed with the records in the name above named.

The other matters treated of in your letter will be made the subject of another communication.

Yours truly,

Acting Chairman

Miss. Choctaw 5491
Miss. Choctaw 6476

Okmulgee, Indian Territory, May 20, 1901.

J. O. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15,
inclosing the following papers for filing in support of applications
for identification as Mississippi Choctaws:

Affidavits of George Ambrose and Solomon Sorkey relative
to the marriage of Hibernia Lipay and Iva Lipay, to be filed with
the name of Hibernia Lipay, et al.

Affidavit of Julian Thomas relative to the marriage of B.
L. Harrington and Mary Harrington, and affidavit of Solomon Sorkey,
to be filed with the name of Bailey Harrington, et al.

The same have been made a part of the records in the above
named cases.

Yours truly,

Commissioner in Charge.

5491
5494

Muskogee, Indian Territory, June 8, 1905.

John C. Hill,

Attorney at Law,

Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8, inclosing powers of attorney of Bailey L. Harrington and Kyburnia Egan, empowering you to represent them before the Commission in the further prosecution of their applications for identification as Mississippi Choctaws, and the same have been filed with the records in these two cases.

Replying to that part of your letter in which you state that there are numerous claimants there who were not informed of the action of the Commission, who wish to make application and you ask to be informed what procedure is necessary in order to present their claims, and whether their depositions will not be considered, you are advised that the rules of the Commission to the Five Civilized Tribes require that each applicant for identification as a Mississippi Choctaw must appear in person before the Commission for examination under oath, and no consideration can be given an application until

such personal appearance has been made.

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 Choctaw Nation in Mississippi and Alabama in 1830, and whose claims under said fourteenth article of the treaty of 1830 were favorably

J. G. H. 3

adjudicated. If the persons of whom you speak desire to make application for identification as Mississippi Choctaws as beneficiaries under the provisions of the fourteenth article of the Treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, they will be heard upon their 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 those persons who intend to make application should do so as early as practicable.

Yours truly,

Acting Chairman.

H. C. R. 5491.

COPY.

Muskogee, Indian Territory, December 22, 1902.

Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bailey Harrington, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

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

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

Respectfully,

(SIGNED)

Tame Dixby

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

John C. Hill,
Attorney-at-Law,
Meridian, Mississippi.

Dear Sir:-

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bailey Harrington, et al., applicants for identification as Mississippi Choctaws.

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

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Said decision concludes as follows:

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J. O. R., 2.

arguments to 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,

Lewis B. Barty.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 22, 1902.

Bailey Harrington,

Goodman, Mississippi.

Dear Sir:-

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bailey Harrington, et al., applicants for identification as Mississippi Choctaws.

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

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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.

B. H. 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby,

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Bailey Harrington, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 22, 1902.

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

Respectfully,

Through the
Commissioner of Indian Affairs.
No. M.C.R. 6491

James Dixon
Acting Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

LAND
2197--1903

WASHINGTON, March 21, 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 Bailey Harrington, for the identification of himself and his minor children, Pearl, Katie, Cora, Hollis, Madie and Bailey Harrington, Jr.

December 22, 1902, the commission held that the applicants were not entitled to enrollment.

The applicants in this case claim the right to identification by reason of descent from John Indian or Indian John, or John Terley, who it is alleged was a full blood Choctaw Indian. The commission in its decision invites attention to the name of John, found in a number of depositions and schedules as they appear in volume one of the claimants brief and evidence in the case of the Choctaw Nation vs. the United States; and also in volume seven of the American State Papers.

Bailey Harrington's mother, the record shows, was named Nancy Harrington, and her mother's name was Patsy. Nancy Harrington's father's name was Billy Harrington.

The records of this office show that several persons by the name of John or Johnnie complied with the provisions of the 14th article of the treaty, but the record in the case is not sufficient to identify these applicants as the descendants of any of said Johns.

The records of this office do not show that any one by the name of John Terley, Patsy Harrington or Billy Harrington, complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and as above stated the record is not sufficient to identify these applicants as descendants of any of the persons by the name of John or Johnnie, who did comply with the provisions of the treaty.

The applicants are not of the full blood, and the approval of the commission's decision adverse to them is recommended.

Very respectfully,

A. C. Tenner,

Acting Commissioner

S.A.V. (E.)

(Copy)

DEPARTMENT OF THE INTERIOR.

B.A.F.

WASHINGTON.

D.C. 14070
ITB 3130-1903.

May 6, 1903.

SRS

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

Gentlemen:-

January 7, 1903, you transmitted the record in the matter of the application for identification of Bailey Harrington et al. as Mississippi Choctaw, including your decision of December 22, 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 John Indian (or Indian John or John Terley), alleged to have been a full blood Choctaw Indian.

It appears from the report of the Acting Commissioner of Indian Affairs, of March 21, 1903, that several persons named John or Johnnie complied with the provisions of said article 14. The case is therefore remanded herewith, and you are directed to proceed in accordance with instructions contained in departmental letter of April 2, 1903, in the case of Harriet Adkins, M.C.R. 4964, so far as they are applicable to this case.

Respectfully,
(Signed) Thos Ryan

2 inclosures.

Acting Secretary.

Muskogee, Indian Territory, May 19, 1903.

Bailey Harrington,
Goodman, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 9, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The record in this case shows that you claim your Choctaw descent from John Indian (or Indian John or John Terley), an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"It appears from the report of the Acting Commissioner of Indian Affairs, of March 21, 1903, that several persons named John or Johnnie complied with the provisions of article 14 of the treaty of 1830."

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

B K 2

1st. Their description.

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

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

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

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

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

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

B H S

In accordance with the instructions above referred to, you are hereby advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, June 19, 1905, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Day
Registered

N O R 5491

Muskogee, Indian Territory, May 19, 1903.

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

Gentlemen:

The Secretary of the Interior with his letter of May 9, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Bailey Harrington et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, June 19, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 19, 1903.

John C. Hill,
Attorney at Law,
Meridian, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 9, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the Mississippi Choctaw case of Bailey Harrington, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim their Choctaw descent from John Indian (or Indian John or John Terlay), an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"It appears from the report of the Acting Commissioner of Indian Affairs, of March 21, 1903, that several persons named John or Johnnie complied with the provisions of article 14 of the treaty of 1830."

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

J O K 2

1st. Their description.

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

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

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

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

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

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

3 0 2 2

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, June 18, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman

E. A. R. Day

Registered

Langage, Indian Territory, July 25, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

On January 7, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Bailey Harrington, et al., together with its decision of December 28, 1902, refusing the application made by Bailey Harrington for the identification of himself and minor children as Mississippi Choctaws.

With departmental letter of May 9, 1903 (I T D 2120-2003), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on May 19, 1903, notified the principal applicant, Bailey Harrington, and his attorney, John O. Hall, that they would be allowed up to and inclusive of June 19, 1903, to introduce additional evidence in support of the application made by said Bailey Harrington for the identification of himself and minor children as Mississippi Choctaws, and as the same date notice to the same effect was furnished the attorney for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended

on June 3, 1903, the record in said case was held until July 15, 1903, in order that the principal applicant might introduce additional testimony and evidence if he so desired.

No appearance having been entered by or on behalf of the applicant and no testimony having been offered by him, the original record in the case, together with copies of notices furnished the principal applicant, his attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith returned.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

W.M. 128 .

M.C.R. 5491.

Muskogee, Indian Territory, July 2, 1903.

Bailey Harrington,
Goodman, Mississippi.

Dear Sir:

The Commission is in receipt of your affidavit, together with interrogatories to be propounded to Jackson Lachley. The same not being in proper form are, herewith, returned. You are informed that your affidavit is insufficient inasmuch as it does not conform to Rules 1 and 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, wherein it is provided that the affidavit must set forth one or more of the causes enumerated under Rule 1 for the taking of such depositions; that the testimony of the witness is material to his claim and specify the evidence sought to be adduced in the taking of such depositions.

You must also file with the Commission, the interrogatories propounded to the witness whose full name and residence must be given.

A copy of said Rules are herewith enclosed and by reference thereto you will note that under Rule 12, proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Carnish, South McAlistar, Indian Territory, or a copy of

Railay Harrington-- #2.

the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copy thereof, to the United States Marshal at South McAlistar, Indian Territory, with instructions to make service of the copy upon said attorneys, returning the original with proof of service, to this Commission.

Upon the return of the above mentioned papers, in proper form, the same will receive further attention.

Respectfully,

Enclosures:
J.D. #14,
Rules and Regulations.

Commissioner in Charge.

Muskogee, Indian Territory, July 7th, 1903.

J. C. Hill,

Attorney-at-Law,

Meridian, Mississippi.

Sir:

The Commission is in receipt of your letter of June 17th, 1903, enclosing interrogatories propounded to Jackson Pachley. No application for the taking of this deposition having been made and no commission issued, the same are herewith returned.

You are informed that under Rules 1 and 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, it is provided that the affidavit must set forth one or more of the causes enumerated under Rule 1 for the taking of such depositions; that the testimony of the witness is material to his claim, and specify the evidence sought to be adduced in the taking of such depositions. You must also file with the Commission the interrogatories to be propounded to the witness whose full name and residence must be given.

A copy of said Rules are, herewith, enclosed and by reference thereto you will note that under Rule 12, proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield,

J. C. Hill---#2.

McMurray & Cornish, South McAlistier, Indian Territory, of a copy of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copy thereof to the United States Marshal at South McAlistier, Indian Territory with instructions to make service of the copy upon said attorneys, returning the original with proof of service, to this Commission.

Upon receipt of affidavit properly made out, together with interrogatories showing proof of service upon said attorneys, a commission will be issued to take said deposition.

Respectfully,

Enclosures:
J.D. #1.
Rules & Regulations.

Commissioner in Charge.

M C R 5451

Muskogee, Indian Territory, September 12, 1903.

J. O. Hill,

Attorney at Law,

Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Bailey Harrington and interrogatories to be propounded to Jackson Lackley, a witness, in support of the Mississippi Choctaw case of Bailey Harrington, et al., and the same are herewith returned for the reason that the record in said case was on July 23, 1903, forwarded the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider any further evidence in support of the Mississippi Choctaw case of Bailey Harrington, et al.

Respectfully,

Chairman.

MOK 16

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, October 17, 1903.

Land,
47043-1903.

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 Bailey Harrington for himself and his six minor children, Pearl, Katie, Cora, ^{Hollis} Eddie, and Bailey Harrington, Jr., for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission December 22, 1902.

March 21, 1903, the office transmitted this case to the Department after careful consideration and investigation, with the recommendation that the decision of the Commission adverse to the applicants be approved.

May 9, 1903, the Department remanded this case to the Commission with instructions that they proceed in accordance with

(COPY).

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

November 14, 1903.

W.C.P.

P.H.E.

D.C. 32039,
I.T.D. 7428-1903.
L.R.S.

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

Gentlemen:

The Department has considered the case involving the application of Bailey Harrington (M.C.R. 5491), for the identification of himself and his six minor children, Pearl, Katie, Cora, Nellie, Hudie and Bailey Harrington, Jr., as Mississippi Choctaws, transmitted with your letter of January 7, 1903.

The applicants in this case trace their descent from John Indian (or Indian John, or John Terley,) through his daughter Patsy, through her daughter Nacey Harrington, mother of the principal applicant Bailey Harrington.

Your decision rejecting the applicants was dated December 22, 1902. On May 9, 1903, the Department remanded the case to you for further investigation, inasmuch as it appeared from the records of the Indian Office that several persons named John, or Johnnie, complied with the provisions of article 14 of the treaty of 1830.

In your letter of July 31, 1902, resubmitting the case, you state that on May 19, 1903, you notified the principal appli-

cant Bailey Harrington, and his attorney, that they would be allowed until June 19, 1903, to introduce additional evidence in support of the application made by him on behalf of himself and his minor children; that on account of the work of the Commission being suspended June 3, 1903, the record in the case was held until July 19, 1903, in order that the ^{principal} applicant might introduce additional testimony if he so desired; that during said time no appearance was entered by or on behalf of the applicants, and no additional testimony offered by him.

Reporting October 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

-2-

instructions contained in Departmental letter of April 2, 1903, in the case of Harriet Adkins, (M.C.R. 4984), so far as practicable in this case. In accordance therewith the Commission on May 19, 1903, notified the principal applicant, Bailey Harrington, and his attorney, John C. Hill, that they would be allowed up to and inclusive of June 19, 1903, to introduce additional evidence in support of the application made by said Bailey Harrington 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. The work of the Commission being suspended on June 3, 1903, the record in said case was held until July 19, 1903, in order that the principal applicant might introduce additional testimony if he so desired.

No appearance was entered by or on behalf of the applicant and no testimony offered by him. This being the case it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner
Acting Commissioner.

C.T.C.
H.B.K.

N C R 5491

COPY.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 14th 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 case of Bailey Harrington, et al., of which decision you were advised by mail on the 22nd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M C R 5491

COPY.

Muskogee, Indian Territory, November 30, 1903.

John C. Hill,

Attorney-at-Law,

Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 14th 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 case of Bailey Harrington, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

M C R 6491

COPY.

Muskogee, Indian Territory, November 30, 1903.

Bailey Harrington,

Goodman, Mississippi.

Dear Sir:

You are hereby notified that on the 14th 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 case of Bailey Harrington, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

M C R 5491

COPY.

Muskogee, Indian Territory, November 30, 1903.

Bailey Harrington,
Goodman, Mississippi.

Dear Sir:

You are hereby notified that on the 14th 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 case of Bailey Harrington, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

K. C. R. 3491

Muskogee, Indian Territory, December 29, 1904.

B. L. Harrington,

Goodman, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, asking to be advised relative to introducing further testimony in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on November 14, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Your case is now considered closed and the Commission is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

2112

No. 5191

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 31 1902

Name Bailey Harrington

Age 50 Blood 1/8

Post-Office, Goodman, Miss.

Father: William Harrington

Mother: Nancy " d

Claims through mother
wife Mary
no claim for wife

See also (claims drawn)

Children:

Pearl Harrington	20
Stacie	" 16
Lora	" 14.
Mollie	" m 13
Neddie	" m 8
Bailey	" Jr. m 5

mother's mother Fidelity (1/2) d
Stenographer R. S. Street

Choctaw MCR 5492

Chesley H. Robinette

See MCR 5986

MCR 5492

549

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Chesley H. Robinette for the identification of himself and his four minor children, Alice D., Arcey E., Mary E. and John H. Robinette, as Mississippi Choctaw.

Appearances:

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

Chesley H. Robinette, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Chesley H. Robinette.
Q How old are you? A Forty six.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q What's your post office address? A Conway, Arkansas.
Q How long have you lived at Conway, Arkansas? A Twelve years.
Q Where did you live before that? A At Benton, Arkansas.
Q How long? A I have been away from Tennessee going on twenty two years; I was born and raised in Tennessee.
Q You have lived in Arkansas ever since that time? A Yes, sir.
Q Is your father living? A No, sir, her's dead.
Q What was his name? A Aaron Robinette.
Q Is your mother living? A Yes, sir.
Q What's her name? A Louvinia.
Q Through which one of your parents did you derive your Choctaw blood?
A Mother.
Q Where does your mother live? A She lives at Benton, Arkansas.
Q Has she ever been before this Commission? A No, sir.
Q Through which one of her parents did she get her Choctaw blood?
A From her father.
Q What was his name? A John Garter.
Q How long has he been dead? A He died about '66.
Q How old was he at that time? A He was born in 1812.
Q Where was he born? A I don't know, sir; I heard my father state his age; but I don't know where he was born.
Q Where was your mother born? A In Tennessee; Tennessee, or Alabama, I don't remember which.
Q Did she live in Tennessee all her life until she moved to Arkansas?
A Yes, sir.
Q How long has she been in Arkansas? A Going on twenty two years.
Q Do you know where John Garter, your mother's father, lived prior to her birth? A No, sir, I don't.
Q Do you know through which one of his parents he got his Choctaw blood? A No, sir.
Q It has been your understanding that he was a quarter blood Choctaw? A Yes, sir.
Q Do you know the names of any of your ancestors who ever lived

Emaley H. Robinette, et al., 2.

- in the State of Mississippi, if any of them did live here? A No, sir, I don't.
- Q Do you know in what part of Alabama they lived, if they ever lived there? A Yes, sir, they lived in Alabama.
- Q What part? A They lived - no, sir, I can't tell you what part; I believe it was in Jackson County; I couldn't say for certain.
- Q About how old is your mother now? A She's sixty seven.
- Q What's the name of your wife? A Mollie.
- Q Is she living? A Yes, sir.
- Q No Choctaw blood? A No, sir.
- Q No claim for her? A No, sir.
- Q Have you been married more than once? A No, sir.
- Q Has she? A No, sir.
- Q How many children have you living? A Four.
- Q What are their names and ages? A Alice D.
- Q How old? A Going on seventeen.
- Q Next? A Arcey E., a girl, fifteen next month, Mary L., fourteen.
- Q Next? A John H. going on eleven.
- Q Are these all the children of yourself and Mollie Robinette? A Yes, sir, all living.
- Q This application is for yourself and four minor children? A Yes, sir.
- Q They are living with you at this time? A Yes, sir.
- Q Where you married to Mollie under a license? A Yes, sir.
- Q Where? A Benton, Arkansas.

The marriage license of C. H. Robinett and Mollie Coppack 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 any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and four minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.
- Q You understand that fourteenth article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Yes, sir, my grand father had an improvement then.
- Q Where? A In Alabama.
- Q In 1830? A So I have been told, before the stars fell - a year before they fell; they fell in '33, according to the ages of his children, he went in there about 1826.
- Q Where went into Alabama? A Yes, sir.
- Q Do you know of what that improvement consisted? A House and patch of cleared land, so I have been told by an aunt of mine that lived in there with him at that time.
- Q Is she living now? A No, sir, she's dead.
- Q You don't know what part of Alabama that was in? A Yes, sir, I don't, but I think it was in Jackson county.

Chesley H. Robinette, et al., v.

- Q Do you know whether it was in what comprised the old Choctaw Nation at that time - in 1830? A I think it was, because he - I heard my father say he said he stayed in there six months at a time and never saw a white man while he was in there; I have heard him tell that.
- Q He meant that he was living with the Indians? A Yes, sir.
- Q Now, that was this man, John Carter? A Yes, sir, John Carter.
- 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, I don't know.
- 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, sir.
- Q Did any of them ever claim or receive any land here in the old Choctaw Nation, in Mississippi and Alabama, from the Government of the United States, under the fourteenth 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 from the Government? A No, sir.
- Q Do you know how many children John Carter had in 1830, when this treaty was made? A No, sir, I don't.
- Q What other children did he have besides your mother? A He had two, but - a son and a daughter.
- Q What were their names? A Eliza Carter, and son, Chesley Carter.
- Q According to your statements, your father was about sixteen years old when he went in there and began this improvement? A He was very young.
- Q You don't know whether he was married then? A Yes, sir, he was married, and went into there, so I have been told; I don't know anything but what I have been told.
- Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir, never did.

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 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 fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1833 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that

Chealey H. Robinette, et al., 4.

they had complied in all respects with the provisions of this fourteenth 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 fourteenth article of the treaty? 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 this 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 here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

A No, sir, don't know of any.

Q Or 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 Yes, sir.

The affidavits of C. C. Carter, J. J. Plemons, Newton Upton, Ellis Coffin and M. E. Thompson, are offered in evidence, identified as Exhibits "A, B, C, D, E, and F," respectively, filed, and made a part of the record in this case.

Q Who is C. C. Carter who makes this affidavit? A He is the son of John Carter.

Q Is he your mother's brother? A Yes, sir.

Q Has he ever been before this Commission? A No, sir.

Q Who is J. J. Plemons, whose affidavit you submit? A He lives in Monroe County, Tennessee.

Q Is he any relation to you? A No, sir.

Q Is he interested in the result of your application? A No, sir, none at all.

Q Who is Newton Upton? Who makes this affidavit in your behalf?

A He ain't any kin folks.

Chealey H. Robinnette, et al., 5.

- Q Any interest in your application? A No, sir.
Q Are these people white people? A There are two colored people, Upton and Ellis Coffin.
Q Has Ellis Coffin any interest in the result of your application? A
A No, sir, not any.
Q Who is M.E. Thompson? A A grand daughter of his.
Q Of Ellis? A No, sir, of John Carter.
Q Your cousin? A Yes, sir.
Q Has she any interest in the result of your application? A No, sir.
Q Has she ever been before the Commission? A No, sir, never has.

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

- Q Are there any further statements you want to make in support of your application? A I desire to have my marriage license and certificate returned after serving the purpose of the Commission.
Q Have you any brothers living? A Yes, sir, two.
Q What are their names? A John and Charley.
Q Full brothers? A Yes, sir, and two sisters, Rachel and Annis.
Q Are they married? A Yes, sir, both married, Rachel Collet and Annis Dobbs.
Q Have they been before the Commission? A No, sir.
Q Have you any brothers or sisters dead? A Yes, sir, I have got two brothers dead and two sisters dead.
Q Did any of them leave children? A No, sir.
Q Has your mother any brothers living besides C. G. Carter? A No, sir, just the two, mother and C. G. Carter.
Q Has she any brothers or sisters dead who left children? A Yes, sir, Eliza Husgins.
Q How many children did she leave? A She left four living.
Q They are living now? A Yes, sir.
Q What are their names? A John, Marcus, Mary Ellen Thompson, and Caroline Moser.
Q Have they been before the Commission? A No, sir.

By A.W. Jones:

Mr. Robinnette, did you say you know whether or not your grand father ever went to the Indian Territory? A With the Indians, that's all.

- Q You don't know whether he ever went there at the time the Indians were moving there seventy years ago? A I don't know, I couldn't say.

By Commission:

(This applicant has the appearance of being a white man, and shows no particular indications of being possessed of Indian blood, although he has rather dark complexion and black hair; he does not speak or understand the Choctaw language.)

Shesley H. Rowinette, et al., v.

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 30th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strait

Subscribed and sworn to before me at Muskogee, Indian Territory
this 20th day of May, 1902.

Charles H. Sawyer
Notary Public.

Miss. Choctaw 20492

Muskogee, Indian Territory, June 25, 1902.

Chester H. Robinson,
Conway, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 18, in which you state that you appeared before the Commission at Meridian, Mississippi, and made application for identification as a Mississippi Choctaw, and at the time gave in the names of your mother, two brothers and two sisters. You now wish to be advised if this application is sufficient for your mother, brothers and sisters, or if it will be necessary for them to appear in person to make application. You also state that your mother's health will not permit of her appearing in person, and if your application does not cover her, you ask to be supplied with a power of attorney so some one else can represent her.

In reply to your letter you are advised that it does not appear from our records that application has been made for the identification of your mother, Louvina Robinson, as a Mississippi Choctaw. You do not give the names of your brothers and sisters and it is therefore impossible to give you any definite information concerning them, further than to state that no Robinsons appear as applicants

C.H.R. 2

for identification as Mississippi Choctaws except yourself and your four minor children.

The rules of the commission and of the department require that applicants must appear in person for examination under oath, at which time a proper record is made of their cases and no consideration can be given any application until such personal appearance is made. If your mother is permanently disabled and cannot appear in person before the Commission, one of her children would be permitted to make application for her upon the presentation of the certificate of a physician to such permanent disability, and power of attorney from your mother authorizing the said child to represent her. The Commission has no blank powers of attorney for distribution.

If your brothers and sisters desire to present claims for identification as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, they will be heard upon their 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 they anticipate making application they do so as early as practicable.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 3492

Waukegee, Indian Territory, February 5, 1903.

Chesley H. Robinette,
Conway, Arkansas.

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 Luvena Robinette, et al., embracing the following applications for identification as Mississippi Choctaws:

Luvena Robinette,	M.C.R. 5986
Chesley H. Robinette, et al.,	M.C.R. 5492
John W. Robinette, et al.,	M.C.R. 5987
Rachal Collett, et al.,	M.C.R. 5989
Charley S. Robinette, et al.,	M.C.R. 5988.

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 Luvena Robinette, Chesley H. Robinette, Alice D. Robinette, Arcey H. Robinette, Mary L. Robinette, John H. Robinette, John W. Robinette, Charlie Robinette, Ed Robinette, James Robinette, Rachel Collett, Lafayette Collett, Cicero Collett, Manie Collett, Ermine Collett, Leonard Collett, Iana Collett, Eva Collett, Charley S. Robinette,

Ruthie E. Robinette and Ada L. Robinette as Choctaw Indians entitled 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,

C. R. Breckinridge.

~~Assistant~~ ~~in~~ Charge.

Registered.

Muskogee, Indian Territory, February 20, 1903.

J. E. Martin,
Conway, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, by reference from Commissioner Breckinridge. Therein you state "C. H. Robinette of this place who has made application for a claim in the Territory is one of our best citizens, honorable, upright in every respect. He has lived here for many years and has always claimed that he is entitled to a lot of land in the Territory." You further state that you will appreciate anything that can be done to assist him.

In reply to your letter you are informed that it appears from the records of the Commission that Chesley H. Robinette, forty six years of age, residence Conway, Arkansas, made application to this Commission for the identification of himself and four minor children as Mississippi Choctaws.

The Commission, on February 5, 1903, rendered its decision refusing his application and on the same date he was notified by registered mail of the action of the Commission and that he was granted fifteen days from the date of said decision within which to file arguments in support of his claim to be transmitted to the Secretary of the Interior.

7 2 2 3

The fifteen days from February 5, 1908, heretofore granted in this case, will expire this date, and on February 21, 1908, the record in the case, together with the decision of the Commission, will be forwarded to the Secretary of the Interior. The applicant in this case will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman

M.C.R. 5492

COPY.

Muskogee, Indian Territory, April 6, 1905.

Chester H. Robinette,
Genway, Arkansas.

Dear Sir:

You are hereby notified that on the 30th day of March, 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 Lavona Robinette, et al., of which decision you were advised by registered mail on the 8th day of February, 1905.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

M C R 6492

Muskogee, Indian Territory, July 23, 1904.

G. H. Robinette,

Genney, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, wherein you state that you have heretofore made application to this Commission for identification as a Mississippi Choctaw and would like to be advised as to your right to hold a share of the lands of the Choctaw and Chickasaw Nations.

In reply you are informed that it appears from our records that on March 30, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Laura Robinette, et al., of which your application is a part, and of which departmental action the several applicants were duly notified on April 8, 1903.

The Commission now considers this case closed and it is not believed that any of the applicants included in the consolidated case above mentioned are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
13436-1903.
20313-1905.
27991-1906.

WASHINGTON,

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of March 30, 1903, (J.T.D. 2672-1903), I have the honor to transmit herewith a petition signed by Chesley H. Robinette, one of the applicants in the consolidated Mississippi Choctaw case of Luvena Robinette, et al., praying that the case be reopened in order that further testimony and evidence may be introduced. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-KEN.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
92324-1906.

WASHINGTON.

November 5, 1906.

The Honorable,

The Secretary of the Interior,

Sir :

I have the honor to invite your attention to the enclosed letter of October 18, 1906, from Tans Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that on July 6, 1906, his office transmitted to the Department through this Office a petition signed by Chesley H. Ribinette, one of the applicants in the consolidated Mississippi Choctaw case of Luvena Ribinette, et al., praying that the case be reopened in order that further evidence might be introduced.

Mr. Bixby says that the petition was filed June 25, 1906, by John London, attorney for petitioners, and in forwarding it to the Department it appears that Mr. London's affidavit and the registry receipt showing that a copy of the petition was mailed to Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were omitted. The affidavit and receipt are now transmitted in order that they may be attached to the petition.

The papers in this case were forwarded to the
Department by the Office on October 11, 1906.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBH-Y.

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 20524-1906.
22272-1906.

December 5, 1906.

ORW
ILLB

LRS

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

Sir :--

October 11, 1906, (Land 57991), the Indian Office transmitted motion of Chesley H. Robinette, one of the applicants in the consolidated Mississippi Choctaw case of Luvena Robinette, et al., praying that said case be reopened in order that further testimony and evidence may be introduced.

Said motion discloses no reason for changing departmental action of March 30, 1903, adverse to the applicants. It is accordingly denied.

Copies of Indian Office letters of October 11 and November 5, 1906, are inclosed.

The papers in the case have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

2 inc. and 5 to Ind. Of.

MUR 5492

COPY

Muskogee, Indian Territory, December 15, 1906.

Chesley H. Robinette,
Conway, Arkansas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied a motion filed with this office June 25, 1906, by John London, Attorney at Law, Fort Smith, Arkansas, for reopening the consolidated Mississippi Choctaw case of Luvana Robinette, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

#2163

No. 5492

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 24 1907
Name Chesley H. Robinette

Age 46 Blood 1/16

Post-Office Conway, Ark.

Father Aaron Robinette d

Mother Louina " L

Claims through mother.
Wife Mollie L
No claim for wife.

Children:

Alice D. Robinette		16
Arcey E.	" F	14
Mary L.	"	13
John H.	"	10

Mother's father. John Carter d

Stenographer

R. S. Street

Choctaw MCR 5493

Dan W. House

MCR 5493

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

In the matter of the application of Dan W. House, et al.,
for identification as Mississippi Choctaws, N. O. M. 2000.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Dan W. House, et al.

Page

Original application of Dan W. House, et al., before the House Commission for identification as Mississippi Choctaws	1
Certificate of Jas. H. Eason, Clerk of Circuit Court, Holmes County, Mississippi	2
Affidavit of Alice Frost	3
Affidavit of John Tinsley	7
Joint affidavit of H. Scarborough and Dan House	8
Affidavit of H. G. Tinsley	9
Affidavit of Paul Johnson	10
Power of attorney from Dan W. House to John G. Hill	11
Resolution of the Commission refusing the application of Dan W. House, et al., for identification as Mississippi Choctaws	12

5493

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Dan W. House for the identification of himself and his four minor children, Docia G., Dan P., Lucy S. and Walter W. House, as Mississippi Choctaws.

Appearances:

John C. Hill, Attorney for Applicant.

Dan W. House, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Dan W. House.
- Q How old are you? A Thirty nine of forty.
- Q How much Choctaw blood have you? A I don't know, sir; I get some from both sides.
- Q What's your post office address? A Richland, Mississippi.
- Q What county? A Holmes.
- Q How long have you lived in Holmes County? A All my life.
- Q Is your father living? A Yes, sir.
- Q What's his name? A Tom House.
- Q Mother living? A No, sir.
- Q What was her name? A Harriet.
- Q Has your father any Choctaw blood? A He said his great grand mother was an Indian.
- Q What kind of Indian? A Never did tell.
- Q How much Choctaw blood did your mother have? A She said her father was a whole Indian, and her mother was half Indian.
- Q What kind of Indians were they, do you know? A I don't know, sir - only she - when she got married she always said she married into the Choctaw Nation.
- Q You think probably she had Choctaw blood, do you? A Yes, sir, that's what she said.
- Q Was your mother a slave? A Yes, sir.
- Q How old would she be if she were living now? A Well, I remember of her having a spell or sickness in '43, and the doctor said she was forty eight years old.
- Q What was her father's name? A She said her father's name was Cain Barren.
- Q Was he a slave? A No, sir, she said he never was a slave.
- Q How much Choctaw blood did she claim he had? A She said he was a whole Indian.
- Q What was her mother's name? A I don't remember her mother's name.
- Q You don't know whether she had any Choctaw blood or not? A No, sir, I do not.
- Q You don't know just how much Choctaw blood you have? A No, sir.
- Q Where was your mother born? A I don't know, sir, she said she used to live in a Madison County, Mississippi, when she moved from

San W. House, et al., 2.

Madison to Ebenezer, Holmes County. The folks brought her from Madison County.

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

Q Anything about him at all? A No, sir.

Q You never saw him? A No, sir.

Q Do you know whether he and your mother's mother were married?

A I don't know, sir.

Q Do you know whether your mother's mother ever had any other children by this Indians besides her? A I heard her say she had a brother named Capers.

Q You don't know whether he was by the same father? A No, sir.

Q What's your wife's name? A Cora Lee House.

Q She had no Choctaw blood? A No, sir.

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

Q Have you been married more than once? A No, sir.

Q How many children have you living? A Four.

Q Has your wife been married more than once? A No, sir.

Q What are the names and ages of these children? A Docia O., ten.

Q Next one? A Dan P., is eight.

Q Next? A Lucy S., is six.

Q Next one? A Walter W. is five.

Q Next one? A That's all.

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

Q Are they all the children of yourself and Cora Lee House?

A Yes, sir.

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

Q Have you your license with you at this time? A No, sir, the court-house was burned and the license was destroyed.

It will be necessary for you to furnish the Commission with proper evidence of your married to your wife, Cora Lee, 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 When were you married to Cora Lee? A First day of February, 1891.

Q Who married you? A S.R. Gibson.

Q What office position did he hold? A He was a preacher.

The certificate of John H. McBee, Clerk of the Circuit Court of Holmes County, Mississippi, is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q This application is for yourself and four 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 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 fourteenth arti-

Dan W. House, et al., v.

- Q Did any of them own an improvement here in the old Choctaw nation, in Mississippi and Alabama, in the years 1830, when this treaty was made? A Not that I know of.
- Q Did any of them remove to the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q You understand the causes which brought about the certain acts of Congress between the years 1837 and 1842, and the provisions of those acts of Congress providing for the appointment of commissioners to come down here and hear the Choctaw claims under the fourteenth article of the treaty of Dancing Rabbit Creek, do you not? A Yes, sir.
- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Never heard of any.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not that I know of.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Or any written evidence which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No. I have an affidavit I desire to offer.

The affidavit of Alice Treatie offered in evidence, identified as Exhibit "B", filed and made a part of the record in this case.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission, in Muskogee, Indian Territory, at any reasonable time and their testimony will be taken.

Dan W. House, et al., v.

- 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 No, sir.
- Q Any sisters? A Four.
- Q What are their names? A Ida Cooper, Martha Martin.
- Q Next? A Katie Briscoe and Eliza Williams.
- Q Have they been before the Commission? A No, sir.
- Q Have you any brothers or sisters dead? A Yes, sir.
- Q How many? A Two.
- Q Either of them leaves children? A No, sir, they were children when they died.
- Q Has your mother any brothers or sisters living? A Not that I know of.
- Q Did she ever have any to your knowledge? A Cooper is the only one I remember of her speaking of. I never seen him.
- Q You don't know whether he left any children or not? A No, sir.

By John C. Hill:

- Mr. House, how much Choctaw blood did your mother claim to have, if any? A She always thought she was half Indian.
- Q Did she at any time claim to be half Choctaw Indian? A Yes, sir.
- Q She claimed to be half Choctaw Indian? A Yes, sir.
- Q Did your father at any time claim to be any part of a Choctaw Indian? A I never heard him mention about being Choctaw; he said his great grand mother was a Indian.

By Commission:

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles H. Sawyer
Notary Public.

J. W. S.
W.

COMMISSIONER OF THE GENERAL LAND OFFICE,
WASHINGTON, D. C.

In the matter of the application of Sam W. House, et al.,
for identification as Mississippi Choctaws, H.C.R. 5075.

THE DECISION

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Sam W. House for himself and his four minor children, Beula G.,
Sam P., Lucy S. and Walter W. House, under the following provision
of the Act of Congress approved June 25, 1906 (34 Stat., 2201):

"This Commission shall have authority to determine the
identity of persons claiming descent from the Choctaw Indians
who were living in the State of Mississippi at the time of the
cession of that State to the United States, and to issue patents
therefor and make reports to the Secretary of the Interior."

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

of Cain Brown, who is alleged to have been a full blood Cheater Indian.

It further appears from the evidence submitted in support of said application, and from the reports in the possession of the Commission, that none of said applicants had ever been enrolled by the Cheater tribal authorities as a member of the Cheater tribe, or admitted to Cheater citizenship by a duly constituted court or committee of the Cheater Nation, or by the Commission to the Five Civilized Tribes, or by a Justice of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (30 Stat., 382).

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 Cain Brown, or an ancestor less remote, signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Cheater 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, 1897 (30 Stat., 100) and August 20, 1898 (30 Stat., 312).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cain E. Brown, John E. Brown, Sam F. Brown, Lucy E. Brown and Walter E.

... as witness ... under the provisions of said article ... of ... and thirty, and that the application for their ... should be made to ... and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

T. B. Needles

SIGNED:

T. B. Needles

SIGNED:

C. R. Breckinridge

NOV 1 1902

Misc. Choctaw 5493.

Wahkago, Indian Territory, May 23, 1903.

John C. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 19, enclosing the affidavits of John Tackett and E. C. Tackett relative to the Indian descent of Dan W. House, and the affidavit of E. Scarborough as to the marriage of D. W. House and Gera Tackett, February 1, 1891, which you offer in support of the application of Dan W. House et al. for identification as Mississippi Choctaws. The same have been filed with the record in this case, but you are advised that the affidavit of E. Scarborough as to the marriage of D. W. House and Gera Tackett cannot be accepted as conclusive evidence of that marriage. If it is impossible to secure the original or a certified copy of the marriage license and certificate, the certificate of the Clerk of the County in which the marriage was performed to the destruction of the marriage records, together with the affidavits of two disinterested persons who were present at the marriage, will be accepted as evidence of the same.

Yours truly,

Miss. Cheater 6408

Muskogee, Indian Territory, June 3, 1908.

Dan W. House,

Richland, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Paul Johnson, offered in support of the application for identification as Mississippi Cheaters of Dan W. House, et al., and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

H.C.N. 4403.

COPY

Mustagee, Indian Territory, November 1, 1902.

Manfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the first day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dan W. House, 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 Dan W. House, Duola O. House, Dan P. House, Lucy S. House and Walter W. House, as Choctaw Indians entitled 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 will

N., M. & C., 2.

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.

M. O. R. 5408.

COPY:

Muskogee, Indian Territory, November 1, 1902.

John C. Hill,

Attorney-at-Law,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the first day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dan W. House, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1895, (30 Stats., 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 Dan W. House, Docia O. House, Dan P. House, Lucy S. House and Walter W. House, as Choctaw Indians entitled 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

J. C. H., 2.

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 Bixby

Acting Chairman.

Registered.

H.C.R. 8493.

COPY

Mustoge, Indian Territory, November 1, 1908.

Don W. House,

Richland, Mississippi.

Dear Sir:-

You are hereby advised that on the first day of November, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Don W. House, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898, (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Don W. House, Decia G. House, Dan P. House, Lucy S. House and Walter W. House, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

E. W. H. Co.

together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Earns Dwyer

Acting Chairman.

Registered,

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Dan W. House, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1, 1902.

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

Respectfully,

SIGNED

James Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc.: H.C.R. 5493.

-1- C O P Y -1-

Land.
69870-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Dan W. House, for identification of himself and his four minor children, Dooia O., Dan P., Lucy S. and Walter W. House, as Mississippi Choctaws claiming rights under the 14th Article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification. Descent is claimed from Cain Bareen through Harriet Bareen (nee House) his daughter, it being claimed that Cain Bareen was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of Article 14 of the treaty.

The applicants are not full-blood Choctaw Indians. A careful search of the records of this office fails to show that Cain Bareen received a patent for land under the provisions of the

14th article of the treaty of 1850, or complied or attempted to comply with the provisions thereof; neither does it appear that he applied to the Commissions appointed under Acts of March 3, 1857 and August 25, 1848, for an adjudication of his rights, if he had any, as a Choctaw Indian.

It is therefore, respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C. T. C.

L.

D.C. 2086

ITD.7993-1902.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

- COPY -

RAF.

January 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Dan W. House, and his minor children, Doccia O., Dan P., Lucy S. and Walter W. House.

The applicants claim to be descendants of one Cain Bareen, 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 Cain Bareen 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., 515). You refused the application November 1, 1902.

Forwarding the papers December 20, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his communication is inclosed herewith. The Department has carefully considered the entire record in the case, and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.O.B. 5493

Muskogee, Indian Territory, January 31, 1903.

John C. Hill,

Attorney at Law,

Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 20th 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 Dan W. House, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

(SIC. ED.)

Tame Birtu

Acting Chairman.

COPY.

M.S.R. 5453

Muskogee, Indian Territory, January 31, 1903.

Dan W. House,

Highland, Mississippi.

Dear Sir:

You are hereby notified that on the 26th 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 Dan W. House, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

(SIGNED)

James Birby.

Acting Chairman.

COPY.

M. C. R. 5488

Muskogee, Indian Territory, January 31, 1908.

Mansfield, Monrrey & Connish,

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

Gentlemen:

You are hereby notified that on the 20th day of January, 1908, 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 Dan W. House, et al., of which decision you were advised by mail on the 1st day of November, 1908.

Respectfully,

WITNESSETH

Jame Dixby.
Acting Chairman.

#2165

No. 5193

For Identification as a Mississippi Choctaw.

Meridian Miss

Name ^{Date} Dan W. House

Age 39 Blood Low Know-

Post-Office Richland, Miss.

Father Tom House L

Mother Harriet " d

Claims through mother
wife Lowu Lee House L
No claim for wife.

For ...

Children:

- Docia O. House 10
- Dan P. " 8
- Lucy S. " 6
- Walter W. " 5

Stenographer

R. S. Street

Choctaw MCR 5494

Hybernia Lipsey

MCR 5494

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE STATE CIVILIAN SERVICE.

In the matter of the application of Hyburnia Lipsey, et
al., for identification as Mississippi Choctaws, No. 1594.

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

	Page
Original application of Hyburnia Lipsey, et al., before the House Commission for Identification as Mississippi Choctaws,.....	1
Joint affidavit of Henry King and Sam Bond.....	2
Affidavit of Jas. H. Miller.....	7
Affidavit of William Harvey.....	8
Affidavit of George Andrews.....	8
Power of attorney given by Hyburnia Lipsey to John C. Hill.....	10
Decision of the Commission refusing the application of Hyburnia Lipsey, et al., for identification as Mississippi Choctaws.....	11

5494

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Hybernia Lipsey for the identification of herself and her four minor children, Richard, Henry, Wesley, and Thomas Lipsey, as Mississippi Choctaws.

Appearances:

John C. Hill, Attorney for Applicant.

Hybernia Lipsey, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Hybernia Lipsey.
- Q How old are you? A About fifty, I reckon.
- Q How much Choctaw blood have you? A My father was a Indian - Choctaw - Jim Shoate. I claim half.
- Q What's your post office address? A Goodman, Mississippi.
- Q What county? A Holmes County.
- Q How long have you lived in Holmes County? A I was bred and born there; raised there.
- Q Lived there all your life? A Yes, sir.
- Q Father living? A No, sir.
- Q What was his name? A Jim Shoate.
- Q Is your mother living? A No, sir.
- Q What was her name? A Jane.
- Q Was your mother a slave? A Yes, sir.
- Q You claim through your father solely? A Yes, sir.
- Q How long has he been dead? A I don't know, sir.
- Q Did you ever see him? A No, sir.
- Q Do you know where he was born? A No, sir.
- Q He wasn't a slave was he? A No, sir.
- Q How do you know he was your father? A My mother said he was.
- Q Was she married to him? A Well, I don't know, sir; I couldn't tell you that.
- Q Haven't you heard whether she was or not? A Never did tell me.
- Q Did she ever have any other children by him? A No, sir.
- Q Did they ever live together as husband and wife? A Not that I know of.
-
- Q Do you know the names of his parents? A No, sir.
- Q How old would he be if he were living now? A I don't know, sir, how old he would be. He would be an old man, of course.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A Ike Lipsey.
- Q Is Ike a Choctaw? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q How many children have you living who are under age and unmarried? A Four; Richard is twenty years old, Henry, eighteen, Wesley, sixteen, Thomas is eleven.

Hy
Bybernia Lipsay, et al., 3.

- Q These children all four living with you at this time? A Yes, sir.
- Q They are all the children of yourself and Ike Lipsay? A Yes, sir.
- Q This application is for yourself and four minor children? A Yes, sir.
- 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.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and four minor children under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.
- Q You understand that fourteenth article? 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 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 fourteenth article was put in the treaty. That fourteenth 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 You understand that fourteenth article now, do you? A Yes, sir.

- Q Did any of your ancestors ever comply with its provisions, or ever receive any benefits under that article? A No, sir.
- Q Do you know whether they did, or not? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1835 and 1848?
- 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? 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 fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

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 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 fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1838 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen 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 fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Hybarnia Lipsy, et al., 4.

1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select 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, never did.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Don't know of any? 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 witnesses here today? A No, sir.
Q Have you any written evidence of any kind to offer? A Yes, sir.

The joint affidavit of Henry King and Ann Round is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

- Q What relation are this King and Round to you? A None at all.
Q Are they interested in any way in the result of your application?
A No, sir.
Q Are they white people or negroes? A Colored people.
Q Are there any further statements you want to make in support of your application? 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 Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken.

- Q Have you any children who are of age? A Yes, sir, five.
Q What are their names? A Jim Lipsy, John Lipsy, Annie Johnson, Willie.
Q Is that a boy or girl? A Boy.
Q Living? A Yes, sir.
Q Isaac? A Yes, sir.
Q Living? A Yes, sir.
Q Has any application of any kind ever been made to the Commission for these children? A No, sir.
Q Did your father ever have any other children besides you that you know of? A Not that I know of. Never heard of them, if he did.
Q You don't speak or understand the Choctaw language? A No, sir.

Hybernia Lipsey, et al., 5.

By John C. Hill:

Do you know, or have you been informed, of any office that your father held in the Indian tribe? A No, sir, don't know of any.

Q Do you know whether he was chief or not? A They said he was.

Q Your information was, then, that he was chief? A Yes, sir.

By Commission:

(The applicant has the appearance of being possessed of as much Indian blood as is claimed by her; her hair is black and perfectly straight, very much resembling that of an Indian; she has high cheek bones and brownish skin. 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 30th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory,
this 20th day of May, 1902.

Charles Kesauyer
Notary Public.

OFF COPY

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

In the matter of the application of Hybernia Lipsey, et al., for identification as Mississippi Choctaws, M.C.R. 5494.

--: 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 Hybernia Lipsey for herself and her four minor children, Richard, Henry, Wesley and Thomas Lipsey, 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

-4-

applicants are not 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, 1898 (30 Stat. 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 Hyernia Lipsy, Richard Lipsy, Henry Lipsy, Wesley Lipsy and Thomas Lipsy as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tame Dixby

Acting Chairman

T. B. Needles

Commissioner

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory

DEC 4 1902

Mississippi Choc-
law 2003, 2004, 2005

Muskogee, Indian Territory, May 16, 1902.

John C. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 12, inclosing two certificates of John H. McSee, Clerk Circuit Court, Holmes County, Mississippi, to the destruction of the marriage records of that county, which you ask to have filed in support of the applications of Hybama Ligeey et al. and Bailey Harrington, et al. respectively; also certificate of John H. McSee to the issuance of a license of marriage to Julius Falls and Eva Nicholson and the failure of the Minister to return certificate to his office, and affidavit of Felix Garland, unsigned, to the marriage of Julius Falls Jr. and Eva Nicholson. The affidavit of Felix Garland is herewith returned to you for the reason that the affiant failed to sign his name thereto. The other papers have been filed with the records in the cases above named.

The other matters treated in your letter will be made the subject of another communication.

Yours truly,

Miss. Order No. 5497
Miss. Order No. 5498

Muskogee, Indian Territory, May 20, 1908.

J. C. HILL,

Attorney at Law,
Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15,
inclosing the following papers for filing in support of applications
for identification as Mississippi Choctaw:

Affidavits of George Ambrose and Selma Sorkey relative
to the marriage of Hibernia Lipsey and Ike Lipsey, to be filed with
the case of Hibernia Lipsey, et al.

Affidavit of Julian Thomas relative to the marriage of M.
L. Harrington and Mary Harrington, and affidavit of Selma Sorkey,
to be filed with the case of Bailey Harrington, et al.

The same have been made a part of the records in the above
named cases.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 8491
Misc. Choctaw 8494

McIntosh, Indian Territory, June 6, 1904.

John G. Hill,

Attorney at Law,

Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 5, enclosing powers of attorney of Bailey L. Harrington and Hybernia Lipsy, empowering you to represent them before the Commission in the further prosecution of their applications for identification as Mississippi Choctaws, and the same have been filed with the records in these two cases.

Replying to that part of your letter in which you state that there are numerous claimants there who were not informed of the sitting of the Commission, who wish to make application and you ask to be informed what procedure is necessary in order to present their claims, and whether their depositions will not be considered, you are advised that the rules of the Commission to the Five civilized Tribes require that each applicant for identification as a Mississippi Choctaw must appear in person before the Commission for examination under oath, and no consideration can be given an application until

such personal appearance has been made.

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 Choctaw Nation in Mississippi and Alabama in 1830, and whose claims under said fourteenth article of the treaty of 1830 were favorably

D.O.H. 3

adjudicated. If the persons of whom you speak desire to make application for identification as Mississippi Choctaws as beneficiaries under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, they will be heard upon their 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 those persons who intend to make application should do so as early as practicable.

Yours truly,

Acting Chairman.

COPY.

H.C.R 8494

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cernish,

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 Hybernia Lipsey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 485).

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 Hybernia Lipsey, Richard Lipsey, Henry Lipsey, Wesley Lipsey and Thomas Lipsey 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby

Acting Chairman.

COPY.

N.C.R. 5494

Waskoee, Indian Territory, December 4, 1902.

John C. Hill,

Attorney-at-Law,

Meridian, 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 case of Hybernia Lipsy, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1902 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is 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 Hybernia Lipsy, Richard Lipsy, Henry Lipsy, Wesley Lipsy and Thomas Lipsy 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

that 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,

RECEIVED

James Dixby
Acting Chairman

Registered,

COPY.

Muskogee, Indian Territory, December 4, 1902.

Hybernia Lipsey,
 Goodman, Mississippi.

Dear Madam:

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 Hybernia Lipsey, 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 Stat., 498), which is as follows:

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

Said decision concludes as follows:

"It is 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 Hybernia Lipsey, Richard Lipsey, Henry Lipsey, Wesley Lipsey and Thomas Lipsey 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 for review to
the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

BY:

Tamie Birby

Acting Chairman

Registered

007

Muskogee, Indian Territory, December 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Hyderiah Lipsey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1908.

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

Respectfully,

GMBD.

Tamm Bixby.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. H.C.N. 5494.

COPY.

Land
76,166-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Hybernia Lipsey for the identification of herself and her four minor children, Richard, Henry, Wesley and Thomas Lipsey, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on December 4, 1902.

The record evidence in this case shows that the applicants base their claim to identification by reason of descent from Jim Shout, who it is alleged, was a citizen of the Choctaw nation and resided in the State of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Jim Shout, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It appears from an examination of the records of this office that the name of Jim Shout does not appear among the names of those persons who complied or attempted to comply with the provisions

of article 14 of the Quebec treaty of 1638, and I therefore recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TORRER,
Acting Commissioner.

(E.B.H.)

P.

D. C. 25000-1903.

IND. 3632-1903.
LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

V C Y
RAF

May 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Kyranta Lipsy and her minor children, Richard, Henry, Wesley and Thomas Lipsy.

It appears that the principal applicant and her mother were slaves prior to the Emancipation Proclamation, and you held December 4, 1902, that no freedman is entitled to identification as a Mississippi Choctaw, and refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jim Shoats, who, it is alleged, was a full blood Choctaw and a resident of the Choctaw Nation in Mississippi in 1830.

The evidence fails to show that Jim Shoats ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

It appears that the records of the Indian office fail to show that any one by the name of Jim Shoats complied or attempted to comply with said article or acts. The Department is therefore of opinion that the applicants have failed to establish their claim.

Reporting April 1, 1908, the Acting Commissioner of 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 refuses the application.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

M.C.R. 5494.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Hybernia Lipsey,
Goodman, Mississippi.

Dear Madam:

You are hereby notified that on the 16th 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 Hybernia Lipsey, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

N.O.R. 5494.

COPY¹

Muskogee, Indian Territory, July 11, 1903.

John C. Mill,
Attorney-at-Law,
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 10th 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 Hybarnia Lipsy, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

N.C.R. 5494.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
North Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th 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 Mybernia Lipsy, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

X C R 5494

Muskogee, Indian Territory, September 2, 1903.

Hybernia Lipsay,
Goshman, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing letter of the Commission notifying you of the refusal of your application for identification as a Mississippi Choctaw. You state that you can prove your identity as a half blood Choctaw and ask to be given an opportunity to introduce further evidence in support of your claim.

In reply you are informed that on December 20, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw. The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof.

The letter enclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

#2165

No. 5494

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 30 1902

Name *Hybernia Lipsey*

Age *50* Blood *1/2*

Post-Office, *Goodman, Miss.*

Father: *Jim Shoate, d*

Mother: *Jane "*

Claims through father
husband *Ike Lipsey*
no claim for husband

For info...

Children:

- Richard Lipsey 20*
- Henry " 18*
- Wesley " 16*
- Thomas " 11*

Stenographer

R. S. Strain

Choctaw MCR 5495

Frank Harrison

MCR 5495

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

In the matter of the application of Frank Harrison, et al.,
for identification as Mississippi Choctaws, H.C.A. 5498.

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

	Page
Original application of Frank Harrison, et al., before the Dewey Commission for identification as Mississippi Choctaws.....	1
Sworn interrogatories by Henry Deason.....	4
Sworn interrogatories by Bob Brock.....	8
Power of attorney given by Frank Harrison to John C. Hill.....	23
Certified copy of marriage license of Frank Harrison and Harriet Wisla.....	11
Decision of the Commission refusing the application of Frank Harrison, et al., for identification as Mississippi Choctaws.....	13

5446

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1908.

In the matter of the application of Frank Harrison for the identification of himself and his four minor children, Lelia, Ellen, Frank Jr., and Ethel Harrison, as Mississippi Choctaws.

Appearances:

John C. Hill, Attorney for Applicant.

Frank Harrison, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Frank Harrison.
Q How old are you? A Fifty four.
Q How much Choctaw blood have you? A Claim half.
Q What's your post office address? A Adams Station, Hinds County.
Q How long have you lived in Hinds County? A Born and raised there.
Q And your life? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Wash Harrison.
Q Did you ever see him? A If I ever seen, I didn't know it; he died when I was two years old.
Q You claim he was a full blood Choctaw? A Yes, sir.
Q What makes you think he was a full blood Choctaw? A His folks that knows him - they run with him thirty years, and that's what they say; I don't know.
Q Is your mother living? A She's dead.
Q What was her name? A She was claimed to be a half Injun herself.
Q What kind of an Indian? A Choctaw, or whatever you call it.
Q What was her name? A Charlotte.
Q Was she a slave? A Yes, sir.
Q How do you know this Indian was your father? A That's what they said about it. She ought to know more about it than anybody else.
Q Did she ever have any other children by him? A No, sir, I was the only one.
Q They were not married? A No, sir, not that I know of. They tell me they stayed together five years; he had been married before that and his wife died, and he had one boy by her, and his name was Bob Harrison, and he died.
Q Do you know when they began living together - your father and mother? A Just before I was brought here in this world; I don't know; he died when I was two years old.
Q Where did you get your information about their having lived together as husband and wife for five years? A Two witnesses.
Q Who told you that? A Henry Deason and Bob Brown.
Q Where do they live? A Bob Brown lives in Hinds County, and this other one lives near Natchez, Hinds County.

Frank Harrison, et al., 2.

- Q Do you know the names of Wash Harrison's parents? A No, sir.
- Q Don't know where they lived? A No, sir; they said they come from Tennessee.
- Q He said that he came from Tennessee? A Yes, sir, said he come down there a eighteen year old boy; they tell me.
- Q Do you know how old Wash would be, if he were living now? A No, sir.
- Q Had he lived in Tennessee all his life? A No, sir, he was raised in Eureka and come there a boy.
- Q I say, had he lived in Tennessee all his life until he come to Hinds County? A Yes, sir.
- Q His parents lived in Tennessee? A They must be there somewhere.
- Q Haven't you any idea how old your father was when he died? A No, sir.
- Q How old would your mother be if she were living now? A She would be about seventy two.
- Q Was he older or younger than she? A I couldn't tell you. They might have been somewhere about the same age, I reckon.
- Q What was the name of your mother's father? A His name was Phil.
- Q Was he a slave? A Yes, sir.
- Q What was the name of your mother's mother? A Annie.
- Q Was she a slave? A Yes, sir.
- Q Which one of them had any Choctaw blood, if either of them? Phil?
- A Yes, sir.
- Q How much did he have? A I don't know, sir, I was young.
- Q Where was he born? A Back in South Carolina.
- Q How old was he when he come to this country? A An old man; I reckon.
- Q Did your mother come from South Carolina? A She was born there in Hinds County.
- Q Do you know through which one of Phil's parents he got his Choctaw blood? A No, sir.
- Q Didn't you ever hear that he had Cherokee blood instead of Choctaw blood? A No, sir; all these old people what come here is dead today; if any of them was living, I could get hold of the whole straight of it.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What 's her name? A Harriet.
- Q Any Choctaw blood? A No, sir.
- Q Name we obtain for her? A No, sir.
- Q Have you been married more than once? A Yes, sir.
- Q How many times? A Once before.
- Q Have you any children by your first wife? A That eldest one.
- Q That child is married? A Yes, sir.
- Q What's that child's name? A Carrie.
- Q Harriet what? A Jackson.
- Q Has she been before the Commission? A No, sir.
- Q Where does she live? A Down there right below me.
- Q Were you married to her mother under a license? A Yes, sir.
- Q What was her mother's name? A Lizzie.
- Q Where were you married to her? A Utica.
- Q Who married you? A A magistrate named Van Hook.
- Q When did your first wife die? A She died along about seventy one.
- Q How long after her death was it you married your second wife? A
- A It was in '73 when I married the second time.

Frank Harrison, et al., 8.

- Q How many children have you living by your present wife? A Four living.
- Q Were you married to her under a license? A Yes, sir.
- Q Where? A In Mississippi - Hinds County.
- Q Who married you? A Old man Kinnison Andrews, elder of the church.
- 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, Harriet, 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 What are the names of your minor children for whom you want to make application? A Lelia.
- Q How old? A Twelve years old. Ellen, ten, Frank Jr., eight; Ethel, she is two.
- Q That's all of them? A Yes, sir.
- Q Are they all the children of yourself and wife, Harriet? A Yes, sir.
- Q Are they living with you at this time? A Yes, sir.
- Q This application is for yourself and four minor children?
A Yes, sir.
- 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.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q You understand that fourteenth 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 thereunder? A No, sir.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama in 1830, when this treaty of Dancing Rabbit Creek was made? 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 1830 and 1839?
A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, I don't know.
- Q Did any of them ever get any land from the Government under article fourteenth of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.
- Q You understand the causes which brought about certain acts of Congress between the years 1857 and 1862, providing for the appointment of commissioners to come down here to Mississippi and hear Choctaw claims under the fourteenth article of the treaty of Dancing Rabbit Creek, and their provisions, do you not?

Frank Harrison, et al., 4.

Q
A No, sir.

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 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 fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to ~~Mississippi~~ Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under this fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of them ever receive any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't think they did.
- Q You never heard of it? A No, sir, I don't know, 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 fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir; I have no witnesses; I have the testimony of witnesses.
- Q Have affidavits to offer? A Yes, sir.

What purports to be a deposition of Henry Dotson, and also also what purports to be a deposition of Bob Borne, are offered in evidence, identified as Exhibits "A and B", respectively, filed, and made a part of the record in this case.

Frank Harrison, et al., S.

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

- Q Any further statements you want to make? A No, sir.
Q Have you any children dead or left children? A No, sir.
Q Have you any brothers living? A No, sir.
Q Did you ever have any full brothers? A Not but one. His name was Bob Harrison; he is dead.
Q Did he leave any children? A No, sir.
Q Did you ever have a full sister? A No, sir.
Q Ever have any half brothers or sisters on your father's side?
A No, sir.
Q Did your father ever have any brothers or sisters to your knowledge? A No, sir.
Q Mother ever have any? A She had one sister; she's dead.
Q Did she leave children? A Yes, sir.
Q How many? A One.
Q Is that child living? A Yes, sir, he's living.
Q What's his name? A Ol Brown.
Q What relation is this man, Bob Brown, to you? A Uncle.
Q Interested in any way in the result of your application? A No, sir.
Q Is Henry Dotson any relation to you? A No, sir.
Q Is he interested in the result of your application? A No, sir, he has no interest in it. He just knows my folks.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. His hair is rather inclined to be straight, and he has rather high cheek bones. He does not speak or understand the Choctaw language.)

R. S. 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 cause at Meridian, Mississippi on the 30th 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 Muskogee, Indian Territory, this 20th day of May, 1902.

R. S. Street
Charles W. Sampson
Notary Public.

off
C.W.

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

In the matter of the application of Frank Harrison, et al., for identification as Mississippi Choctaws, M.C.R. 5498.

--- 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 Frank Harrison for himself and his four minor children Lela, Ellen, Frank Jr and Ethel Harrison, under the following provision of the act of Congress approved June 25, 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

-3-

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Wash Harrison, who is alleged to have been a full blood Choctaw Indian, and one Phil, who is alleged to have been a Choctaw Indian (degree of blood not stated).

It is found that the name of one Phil appears upon page ninety-one of Volume VII, American State Papers, Public Lands, in a list of Choctaw Indians, heads of families, who resided in Greenwood LeFlore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, at the time of the making of the treaty of "Taming Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Taming Rabbit Creek", neither is it shown in the evidence offered by the applicants herein that the Phil through whom they claim is the identical Phil whose name appears in the record above cited.

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 ap-

proved June 10, 1896 (20 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 Wash Harrison, or Phil, 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, 1897 (5 Stats., 180) and August 23, 1848 (5 Stats., 518).

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

Muskogee, Indian Territory,

(SIGNED)

C. R. Breckinridge.

Commissioner.

OCT 30 1902

Miss. Choctaw RB496

Muskogee, Indian Territory, July 2, 1908.

John C. Hill,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28, enclosing certified copy of marriage license between Frank Harrison and Harriet Bria, which you offer in support of the application of Frank Harrison, et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

M C R 6498
M C R 4550

McAlester, Indian Territory, October 27, 1902.

Wm. F. Ross,
Jackson, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised of the present status of the cases of Frank Harrison and Ben Wash who presented their claims to the Commission in Meridian, Mississippi in April, 1902.

In reply you are informed that it appears from the records of the Commission that Frank Harrison, post office address Adams Station, Mississippi, is an applicant for the identification of himself and four minor children as Mississippi Choctaws, having submitted such application at the office of the Commission at Meridian, Mississippi, on April 30, 1902; and that Ben Wash, post office address Jackson, Mississippi, is also an applicant for the identification of himself and four minor children as Mississippi Choctaws.

In the case of Frank Harrison et al., no decision nor opinion has yet been rendered relative to their rights to such identification, but the Commission is now considering this case and it is probable that a decision will be rendered in the near future, when the applicants will be duly notified of the action of

W H P R 2

the Commission and of the forwarding of the record to the Secretary of the Interior for review.

In the case of Ben Wash, et al., the Commission, on October 14, 1908, rendered its decision refusing his application and on the same date he was notified by registered mail of the action of the Commission and that he would be allowed fifteen days from the date of such decision 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, would be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

K.O.N. 2498.

COPY

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Frank Harrison, 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 Frank Harrison, Lelia Harrison, Ellen Harrison, Frank Harrison, Jr., and Ethel Harrison, as Choctaw Indians entitled 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

H., McM. & Co., B.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tams Dixby.*
Acting Chairman.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Frank Harrison,

Adams Station, Mississippi.

Dear Sir:-

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

This application was made under the provision of the act of Congress of June 25, 1898, (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Harrison, Lelia Harrison, Ellen Harrison, Frank Harrison, Jr., and Ethel Harrison, as Choctaw Indians entitled 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.

F. H., E.

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.

COPY.

McKeesee, Indian Territory, October 30, 1902.

John G. Hill,
Attorney-at-Law,
Meridian, Mississippi.

Dear Sir:-

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

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Harrison, Lelia Harrison, Ellen Harrison, Frank Harrison, Jr., and Ethel Harrison, as Choctaw Indians entitled 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

S. O. No. 2.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *James Bixby*
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

The Commission has the honor to report that the principal applicant herein, his attorney and 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)

Tanner DeLoach

Acting Chairman,

Through the Commissioner
of Indian Affairs,
Enc. H C A 5498

Land
69,659--1903.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Frank Harrison for the identification of himself and his four minor children, Lelia, Ellen, Frank, Jr., and Ethel Harrison, as Mississippi Choctaws.

October 30, 1902, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of Article 14 of the Choctaw treaty of 1830 and that their application for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have inherited their Choctaw blood from one Wash Harrison who is alleged to have been a full blood Choctaw Indian and one Phil, but there is nothing in the record evidence that shows that said Wash Harrison or Phil ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 or secured a patent for land thereunder.

In examining the records in this office, there is found in Vol. 101, page 625, Choctaw Claimants, the following affidavit:

July 28th 1843.

Case No. 334

Claim filed No. 137.

"Ah-ben e la or Ub- abwa-le or Ah ah we la, a full blood Choctaw man; five ft. 3 inch. high; says he is seventy years old.

"His statement filed;

"I witness. He ah to chubbes, being first sworn gives the name of claimant as above. Is no relation to him. He has no interest in his claim. At the date of Treaty of Dancing Rabbit, lived

"six miles from him. Knew him well. He is a Choctaw and was at the date of said treaty the head of a Choctaw family. He had then a wife, Ah sho mah, now sick at the camp, and five un-

"married children, then living with him, viz :

"1 Ah he nah, woman present, then about 17 years old.

"2. Ho-bah tam be, died four year ago, left two children, viz: Bene and Phil, both boys now at home. Hoh-bah tam be was about fifteen at date of treaty.

"3 Oon ta cubbe, man, present then about 13 years old.

"4 Beech ah ho nah, woman, present, then about eleven years old.

"5 Cun e mah tubbe, then under ten, died about four years after treaty, left no children.

" At the date of said treaty the claimant had a house to himself and cultivated separate field under the same fence with his daughter Ah to be and her husband Pis ah tah, who lived with her.

" The claimant then lived on Tallashules about six miles east of this place, Yasee, where he still resides and has continued to reside since the treaty.

2 He belonged to Ah sha tatem company and Leflores district.

"Never been west or left the seeded country.

" The claimant was at the council held by the Boquechuttes on
"kinseoya when on their way to Leflores at the time of the
"annuity. The object of this council was to ascertain who were
"willing to go west and who wanted to stay and take lands under
"the five years stay. In the speaking at the council claimant
"said he intended to stay in the country and take lands. Claim-
"and was then appointed to apply in like manner for the five
"years stay for his people on Tallechutra of whom he was re-
"garded as a leader. The claimant went back to Leflores at the
"time of the annuity, but failed to get his name or those of his
"people registered, because Ward refused to register any more,
"before he got through registering the names of those in the
"neighborhood of Leflores who were to go up first and then the
"Boquechusetts. He had therefore no opportunity to apply. The
"claimant took no part of the annuity and never obtained any
"land under any other article of treaty as witness knows and
"never made any contract for the sale of his land in whole or in
"part to any person at any time, as witness knows or believes."

There is nothing in said affidavit which taken in connect-
ion with the evidence submitted and of record which shows or tends
to show that these applicants are the descendants of the said
Indian Phil.

By reason of the premises the office considers that said de-
cision is correct and recommends that it be affirmed by the Depart-
ment.
(V.C.B.) P. Very respectfully, A.C. Tenner, Acting Commissioner

D.C. 17946--1903.

- Copy

J W.H. FHE.

TP.
I.T.D. 3834--1903.

Department of the Interior,
Washington,

June 25, 1903.

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

Gentlemen:

November 15, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaw of Frank Harrison (M.C.R. 5495), for himself and his four minor children, Lelia, Ellen, Frank Jr. and Ethel Harrison, including your decision of October 30, 1902, denying said application.

It appears that the principal applicant in this case was born in 1848 in Hinds County, Mississippi and that he is a three-fourths blood Choctaw. He obtained his Choctaw blood from both parents his father, Wash Harrison, having been a full blood Choctaw and a resident of Mississippi. The mother of the principal applicant was an one-half Choctaw named Charlette Broome. She was born about the year 1830. She obtained her Choctaw blood from her father, who was a Choctaw named Phil.

While the testimony of the principal applicant shows that he is a Choctaw; that he is a resident of the ~~the~~ old Choctaw Nation in Mississippi, and that his parents were residents of that Nation, still, there is nothing in his testimony which warrants the conclusion that any of his ancestors ever signified in person or by proxy, in any way, to Col. Ward, Choctaw Agent, in Mississippi in 1830, an intention to remain in that state and become a citizen thereof.

-2-

Reporting in the matter April 14 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved. In said report he furnished a copy of the affidavit of one Ho-ah-to-ah-see, which was taken July 20, 1843. From said affidavit it appears that there was a person named Ho-bah-tan-be, who attended by proxy to comply with the provisions of article 14 of the treaty of 1830; that Ho-bah-tan-be was about 15 years of age at the time of the treaty, and that, in 1843, he was the father of a boy named Phil.

Inasmuch as Charlotte Breome, the mother of the principal applicant, was born about the year 1830, it is evident that the person named Phil who was her father, could not have been identical in person with Phil, the son of Ho-bah-tan-be.

Concurring in the recommendation of the Acting Commissioner the Department hereby affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E.A. Hitchcock.

Secretary.

1 inclosure/

M.C.R. 8498

COPY

Muskogee, Indian Territory, July 18, 1903.

Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th 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 Frank Harrison, et al., of which decision you were advised by mail on the 20th day of October, 1902.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

M.O.R. 5495

Muskogee, Indian Territory, July 15, 1903.

Frank Harrison,

Adams Station, Mississippi.

Dear Sir:

You are hereby notified that on the 25th 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 Frank Harrison, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R.5495

Copy

Muskogee, Indian Territory, July 18, 1903.

John C. Hill,

Attorney at Law,

Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 25th 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 Frank Harrison, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

T. B. Needles,

Commissioner in Charge.

#2166

No. 5495

For Identification as a Mississippi Choctaw.
Meridian Miss. APR 30 1902

Name ^{Date} Frank Harrison
 Age 54 Blood 1/2
 Post-Office, Adams, Station, Miss
 Father: Wash Harrison d
 Mother: Charlotte " d

Claims through father
 wife Harriet L
 no claim for wife.

For proof in substance

Children:
~~Frank~~
 Lelia Harrison 12
 Ellen " 10
 Frank " Jr. 8
 Ethel " 2

R. S. Strick

Choctaw MCR 5496

Josephine Todd

See MCR 5409

MCR 5496

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30th, 1902.

In the matter of the application of Josephine Todd for the identification of herself and eight minor children, Solomon Jr., Winnie, Claiborne, Jimmie, Mallie L., Eddie, Daniel and Lucinda, as Mississippi Choctaws.

Said Josephine Todd, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Josephine Todd.
Q How old are you? A Thirty-seven, I guess.
Q How much Choctaw blood do you claim to have? A My mother is part Indian.
Q How much, do you know? A One half.
Q What's your postoffice address? A Lauderdale, Mississippi.
Q How long have you lived in Lauderdale County? A Ever since I was nine years old.
Q Where were you born? A In Winston County, Mississippi.
Q And you lived there until you were nine years old? A Yes sir.
Q And then came to Lauderdale? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Claiborne Webb.
Q Is your mother living? A Yes sir.
Q What's her name? A Lucinda Webb.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q Has your mother appeared before this Commission? A Yes sir.
Q When? A Last Friday.
Q Your father had no Choctaw blood? A Said to have but I don't know how much.
Q Do you know through which one of his parents he got his Choctaw blood? A No sir, I couldn't tell anything about it.
Q Do you know his parents' names? A Pleasant Webb was his father.
Q What was his mother's name? A Mary Francis Webb.
Q Which one of them was a Choctaw? A I don't know, sir.
Q Through which one of her parents did your mother get her Choctaw blood? A I don't know.
Q Do you know the names of her parents? A Her mother was named Viney Mesby.
Q Were your father and mother both slaves? A Yes sir.
Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q Has he any Choctaw blood? A Not as I know of.
Q You make no claim for him? A No sir.
Q What's his name? A Solomon Todd.
Q Have you been married more than once? A No sir, just once.
Q How many children have you living? A Eight.

Josephine Tadd, et al., +2

- Q. What are their names and ages? A. Solomon Jr., thirteen; Minnie, about eleven; Claiborne, nine; Jimmie, seven; Mallie L., five;
- Q. Boy or girl? A. Girl.
- Q. Next one? A. Eddie, three year's old.
- Q. Next one? A. Daniel, nine months old.
- Q. Next one? A. Lucinda, nine months old.
- Q. The last two are twins? 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 Solomon Tadd? A. Yes sir.
- Q. This application, then, is for yourself and eight 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. Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and eight minor children under article 14 of the treaty of Dancing Rabbit Creek? A. Yes sir.
- Q. Do you understand that 14th article? A. Yes sir, I think so.
- Q. Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A. No sir.
- Q. Do you know whether they did or not? A. Not as I know of.
- Q. Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made, 72 years ago? A. I don't know.
- Q. Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1832 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. Not as I know of.
- Q. Did any of them ever claim or receive any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A. Not as I know of.
- Q. Did any of them ever receive any benefits whatever as Choctaw Indians, to your knowledge? A. 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 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 Cheetaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here to Mississippi between the years 1837 and 1842 and heard a great many of these Cheetaw cases.

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

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

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

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

Q Do you know of any written evidence of any description 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 My mother is here.

Her testimony will be considered in your case.

Q You have no witnesses, then? 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 Are there any further statements you want to make 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 Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

Josephine Todd, et al.,--4

- Q Have you any brothers living? A Yes sir.
Q How many? A Three.
Q What are their names? A Pleasant Webb, Ed Webb and Obie Webb.
Q Have you any sisters living? A Yes sir.
Q How many? A Five.
Q What are their names? A Levinia:
Q Is she married? A Been married.
Q Is her husband living? A No.
Q What was his name? A James Dalk.
Q What's the name of your next sister? A Lucy Webb.
Q Not married? A No sir.
Q Next one? A Mary Dounson.
Q Next one? A Martha B. Webb.
Q Not married? A No sir.
Q Next one? A Callie Goodwin.
Q Is that all of them? A Yes sir.
Q You don't speak or understand the Choctaw language, do you? 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; her hair, however, is somewhat inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 30th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 14th day of May, 1902,
at Muskogee, Indian Territory.


Notary Public.

COPY.

M.C.R. 2496.

Muskogee, Indian Territory, January 14, 1903.

Josephine Todd,

Ladderdale, Mississippi.

Dear Madam:

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

Lucinda Webb,	M.C.R. 2408,
Josephine Todd, et al.,	M.C.R. 2496,
Lavinia Dalk, et al.,	M.C.R. 2497.

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

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

Said decision concludes as follows:

"It is therefore the Opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Webb, Josephine Todd, Solomon Todd, Jr., Minnie Todd, Claiborne Todd, Fannie Todd, Nellie L. Todd, Marie Todd, Daniel Todd, Lucinda Todd, Lavinia Dalk and Lucinda J. Dalk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. E. S.

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

Respectfully,

SIGNED:

Tervis Bixby.

Acting Chairman.

Registered.

M C-R 5476

COPY.

Muskogee, Indian Territory, April 7, 1905.

Josephine Todd,
Lumberville, Mississippi.

Dear Madam:

You are hereby notified that on the 25th day of March, 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 Lucinda Webb et al., of which decision you were advised by registered mail on the 14 day of January 1905.

Respectfully,

(SIGNED)

C. R. Breckinridge,
Commissioner in Charge.

For Identification as a Mississippi Choctaw
Meridian Miss.

Date APR 30 1902

Name Josephine Todd
Age 37 Blood don't know
Post-Office Lauderdale, Miss.
Father Claiborne Webb d
Mother Lucinda " L

Claims through Mother.
husband Solomon Todd L
no claim for ~~husband~~ husband

For self and 8 children.

Children:			
Solomon Todd	Jr.	13	
Minnie	"	11	
Claiborne	"	9	m
Jimmie	"	7	m
Mallie L	"	5	F
Eddie	"	3	m
Daniel	"	9mo	m
Lucinda	"	9mo	F

Stenographer J. S. Niles

Choctaw MCR 5497

Lavinia DeIK

See MCR 5409

MCR 5497

5497

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1908.

In the matter of the application of Lavinia Dalk for the identification of herself and one minor child, Lucinda J., as Mississippi Choctaw.

Said Lavinia Dalk, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Lavinia Dalk.
Q How old are you? A Thirty-three.
Q How much Choctaw blood have you? A I don't know, sir; its on my mother's side.
Q Do you know how much Choctaw blood your mother has? A No sir, not exactly.
Q What's your postoffice address? A Soeoba, Mississippi.
Q What County? A Kemper County.
Q How long have you lived in Kemper County? A Twenty-five years.
Q Where did you live before that? A In Winston County--I was born there.
Q Is your father living? A No sir.
Q What was his name? A Claiborne Webb.
Q Is your mother living? A Yes sir.
Q What's her name? A Lucinda Webb.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q You don't know how much Choctaw blood she has? A No sir.
Q Which one of her parents did she get her Choctaw blood through?
A I don't know, sir. I think it was her father.
Q What was his name? A I don't know.
Q Have all of your people always lived here in Mississippi so far as you know? A Yes sir.
Q Has your mother been here all her life? A Yes sir, born here.
Q Are you a full sister of Josephine Todd who has just appeared before the Commission? A Yes sir.
Q Has your mother been before this Commission? A Yes sir.
Q When? A She came last Friday.
Q Are you married? A No sir, I've been married.
Q What was your husband's name? A James Dalk.
Q Is he dead? A Yes sir.
Q Did he have any Choctaw blood? A I think he did.
Q Do you know about that? A No sir, I don't know; he looked like he had some.
Q You couldn't swear to that? A No sir.
Q Have you any children living? A Yes sir, one.
Q What's that child's name and its age? A Lucinda J.
Q How old? A Fourteen.
Q Is she the child of yourself and James Dalk? 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 description ever been made before

Lavinia Delk, et al--2

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 article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

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

Q You heard the entire examination of your sister Josephine Todd? A Yes sir.

Q Do you know anything further with reference to a compliance on the part of your ancestors with article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.

Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir.

Q You never heard of any of them ever having gotten any scrip under the act of August 23, 1842? A No sir.

Q None of them ever got any land from the Government? A No sir, if they had I would have heard of it.

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, they may appear before us at Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

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

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

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 predominates; her hair, however, is somewhat inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 30th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer

Notary Public.

COPY.

5497
M.C.R. 5497

Muskogee, Indian Territory, January 14, 1903.

Lavinia Dalk,

Jacobs, Mississippi.

Dear Madam:

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

Lucinda Webb,	M.C.R. 5409,
Josephine Todd, et al.,	M.C.R. 5496,
Lavinia Dalk, et al.,	M.C.R. 5497.

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 Lucinda Webb, Josephine Todd, Solomon Todd, Jr., Minnie Todd, Claiborne Todd, Jimmie Todd, Nellie L. Todd, Eddie Todd, Daniel Todd, Lucinda Todd, Lavinia Dalk and Lucinda J. Dalk as Choctaw Indians entitled 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."

L. D. # 2.

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

Respectfully,

(SIGNED)

Tamr Dixby.
Acting Chairman.

Registered.

M C R 5497

COPY.

Muskogee, Indian Territory, April 7, 1903.

Davinia, Dolk,
Soccha, Mississippi,

Dear Madam:

You are hereby notified that on the 26th 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 Lucinda Webb et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

SIGNED:

C. R. Breckinridge
Commissioner in Charge.

#2168

48

No. 5437

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 30 1902

Name Lavinia Delk

Age 33 Blood dont know.

Post-Office Scooba, Miss.

Father: Claiborne Webb. d

Mother: Lucinda " L

Claims through mother
husband James Delk d
No Choctaw blood.

Children:

Lucinda J. Delk. 14

[Faint handwritten text]

Stenographer

J. J. Niles.

Choctaw MCR 5498

Charles Waller Sr.

See MCR 5468

MCR 5498

2498

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Charles Waller Sr.,
for the identification of himself and one minor child, Amanda, as
Mississippi Choctaws.

Said Charles Waller Sr., being first duly sworn, testified
as follows:

Examination by the Commission.

- Q What's your name? A Charles Waller Sr.
Q How old are you? A sixty-six.
Q How much Choctaw blood have you? A Quarter, I guess.
Q What's your postoffice address? A Greensboro, Alabama.
Q How long have you lived in Hale County, Alabama? A Been living
there--I've lived there all my life.
Q Is your father living? A No sir.
Q What was his name? A Jacob Jones.
Q Is your mother living? A Yes sir.
Q What's her name? A Ann Jones.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q Is the Ann Jones who appeared before the Commission here at
Meridian on Monday, the 28th day of April, your mother? A Yes sir.
Q Were you a slave? A Yes sir.
Q And your mother? A Yes sir.
Q Through which one of her parents did your mother get her
Choctaw blood? A Her father.
Q What was his name? A Atkin Lawson.
Q You claim he was a full blood Choctaw, do you? A Yes sir.
Q Did you ever see him? A No sir--according to what mother said
he was.
Q You never saw him? A I don't remember him. I was taken away
from here in when I was nine or ten years old.
Q Where was your mother born? A In Hale County.
Q And has lived there all her life? A Yes sir.
Q About how old is she? A About eighty-nine.
Q Do you know where Atkin Lawson was born? A No sir.
Q You don't know where he lived during his life time? A No sir.
Q Do you know the names of his parents? A No sir, I don't know his
parents at all.
Q Do you know whether your mother's mother was married to this
Indian Atkins? A Mother says he was.
Q You don't know anything about it of your own knowledge? A No
sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Amanda.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you been married more than once? A Yes sir.
Q Had more than one woman? A Yes sir.
Q How many? A Two.

Charles Waller Sr., et al.,--2

- Q Is your first wife dead? A No sir, she's living.
- Q Were you married to your first wife under a license? A No sir, master married us in slavery times.
- Q Were you living with her at the time of the surrender? A Yes sir.
- Q How long after the surrender did you live with her? A I lived with her up until '74.
- Q Continuously? A Yes sir.
- Q Did you get a divorce from her or she from you? A Yes sir.
- Q What was her name? A Sarah.
- Q Did you ever have any children by her? A Yes sir.
- Q Any of them living? A Yes sir.
- Q When were you married to your second wife? A In '78.
- Q Under a license? A No sir.
- Q You weren't married under a license? A Yes sir, I was married under a license.
- Q Who married you? A A magistrate by the name of Mr. Oliver.
- Q Where were you married? A Near Greensboro.
- Q Been living with her ever since then? A Yes sir.
- Q How many children have you living who are under age and unmarried? A One.
- Q What's that child's name? A Amanda.
- Q How old is she? A Between six and seven years old.
- Q Is she the child of yourself and Amanda Waller? A Yes sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Amanda Waller for use in connection with the application you make in behalf of your minor child. It will also be necessary for you to furnish the Commission with proper evidence of the divorce of yourself and your first wife Sarah. If you have any children by your first wife who have made application it will be necessary in connection with their applications that evidence of the marriage of yourself and your first wife be furnished. 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 before today for yourself or this minor 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 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 thereunder? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

Charles Waller Sr., et al., --3

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 Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir.

Q Do you know whether they did or not? A Not to my knowledge.

Q Did any of them ever claim or receive any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowing.

Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Not to your knowledge? A Not to my knowing.

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

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not to my knowing.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi.

Charles Waller Sr., et al., --4

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 the act of Congress? A No sir, not to my knowing.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know, sir.
- Q Do you know of any deeds or patents or written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any witnesses today to testify in your behalf? A No sir.
- Q Have you any written evidence of any kind to offer? A Yes sir.

The affidavits of Charles Pugh, Alex Hatch and Jarrett O'Neal are offered in evidence, identified as exhibits A-B & C, filed and made a part of the records in this case.

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

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q How many children have you living who are of age? A I have three.
- Q What are their names? A Charles Jr., he was here yesterday, Elvora Shelton.
- Q Next one? A Paralee.
- Q Paralee what? A She's married but I don't know who she married.
- 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 and does not speak or understand the Choctaw language.

IN B. 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 30th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of May, 1902, at Muskegee, Indian Territory.

Charles H. Langston

Notary Public.

Miss. (M. 1000)
5450, 5500, 5550,
5600, 5650, 5700, 5750

Muskogee, Indian Territory, June 2, 1908.

Houston G. Jack,

Attorney at Law,

Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, inclosing affidavits for filing with applications for identification as Mississippi Choctaws, as follows:

Affidavits of Andrew Lake, M. Markers and Daniel Lyles in the case of William M. Thomas.

Affidavits of Abner Locke, Cynthia Martin and Jerry Lawson in the case of William Welley, et al.

Affidavits of Abner Locke and Aaron Perry, in the case of William Stone, et al; and affidavits of Spencer Smith, one each to be filed in the cases of Charles Waller, Sr., Charles Waller, Jr., Frank Jones, and Sam Jones respectively.

These affidavits have been made a part of the record in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 10, 1903.

Charles Waller,
Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., in which you state that you appeared before the Commission at Meridian, Mississippi, May 9, 1902, or about that time, and made proof of your claim. You ask to be advised the present status of your case; also of the case of your grandmother, Ann Jones.

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 child as Mississippi Choctaws; and that Ann Jones is an applicant for identification as a Mississippi Choctaw.

The Commission has not up to the present time reached any opinion or decision relative to the rights of the applicants in these cases to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future.

8 7 8

Yourself and Ann Jones will be duly notified of the
action of the Commission, and of the forwarding of the records
to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

OPYI

M.C.R. 5498

Muskogee, Indian Territory, February 7, 1903.

Charles Waller, Sr.,
Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Jones,	M.C.R. 5468
Charles Waller, Sr., et al.,	M.C.R. 5498
Charles Waller, Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

These applications were made under the provision of the act of Congress of June 26, 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 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 Ann Jones, Charles Waller, Sr., Amanda Waller, Charles Waller Jr., Al E. Waller, Jesse Waller, Fanny Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones, et al. such should therefore be refused, and it is so ordered."

Charles Waller, No. 1-8

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.

SIGNED)

Tamm Dixby.
Acting Chairman.

Registered.

COPY

COPY

Muskogee, Indian Territory, May 4, 1903.

Charles Waller, Sr.,
Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 23rd 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 Ann Jones, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

James P. Hays
Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 30 1902

Name Charles Waller Sr.

Age 66 Blood 1/4

Post-Office, Greensboro, Ala.

Father: Jacob Jones d

Mother: Ann L

Claims through mother
wife Amanda Waller, L
no claim for wife.

For

Children:

Amanda Waller. 6

mother father H. H. Lawton

Stenographer J. J. Niles

Choctaw MCR 5499

Frank Jones

See MCR 5468

MCR 5499

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of Frank Jones for identification as a Mississippi Choctaw.

Said Frank Jones, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Frank Jones.
Q How old are you? A I was born in '59.
Q How much Choctaw blood do you claim to have? A I am a third I reckon, or a fourth.
Q What's our postoffice address? A Greensboro, Alabama.
Q What County? A Hale County.
Q How long have you lived there? A I been living in Hale County all my life.
Q Is your father living? A No sir.
Q What was his name? A Jacob Jones.
Q Is your mother living? A Yes sir.
Q What's her name? A Ann Jones.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Is the Ann Jones who appeared before the Commission here on the 28th of April your mother? A Yes sir.
Q Are you a full brother of Charles Waller Sr., who has just appeared before the Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Lou Jones.
Q Do you make any application for her? 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 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 that I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You heard the entire examination of your brother, did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by his testimony? A No sir.
Q Is his testimony as to your ancestors correct? A Yes sir.
Q Do you know anything further about them than what he has told us? A No sir.
Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir.
Q Have you any witnesses here today to testify in your behalf? A No sir.

Frank Jones--2

- Q You have no written evidence of any kind to offer? A No sir.
Q You don't know of any old persons living who would likely know whether any of your people ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? 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 Are there any further statements you want to make 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 Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

- Q Have you any children living? A Yes sir.
Q How many? A Five.
Q What are their names? A Frank Jones Jr.
Q Next one? A William Jones.
Q Next one? A Albert Jones.
Q Next one? A Walter Jones.
Q Next one? A Josephine Hatch, she's married.
Q Have they been before the Commission? A No sir.
Q Are they all the children of yourself and Lou Jones? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Where? A Greensboro.
Q When? A Along in '79, I think.
Q Who married you? A Preacher by the name of Richard Walker.

This applicant has the appearance of being a full blood negro-shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, held at Meridian, Mississippi, April 30, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of May, 1902,
at Muskogee, Indian Territory.


Charles H. Sawyer
Notary Public.

Miss. Chester
2400, 2400, 2400,
2400, 2400, 2401, 2402

Mustang, Indian Territory, June 2, 1902.

Houston G. Jack,

Attorney at Law,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 20,
inclosing affidavits for filing with applications for identification
of Mississippi Chestnut, as follows:

affidavits of Andrew Lake, M. Washora and Daniel Lytle in
the case of William M. Thomas.

Affidavits of Almer Locke, Cynthia Martin and Jerry Lawson
in the case of William Hallow, et al.

Affidavits of Almer Locke and Aaron Perry, in the case of
William Rhoads, et al. and affidavits of Spencer Smith, one each to be
filed in the cases of Charles Waller, Sr., Charles Waller, Jr.,
Frank Jones, and Sam Jones respectively.

These affidavits have been made a part of the record in
the above named cases and will receive consideration in the dispo-
sition of the applications.

Yours truly,

Archie D. Williams,

COPY.

M.C.R. 5499

Muskogee, Indian Territory, February 7, 1903.

Frank Jones,

Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Jones,	M.C.R. 5468
Charles Waller, Sr., et al.,	M.C.R. 5498
Charles Waller, Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

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 Ann Jones, Charles Waller, Sr., Amanda Waller, Charles Waller, Jr., Al S. Waller, Jesse Waller, Fonsoy Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones as such should therefore be refused, and it is so ordered."

Frank Jones, -2

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

Respectfully,

SIGNED,

Tams Bixby.
Acting Chairman.

Registered.

M.O.S. 5499

COPY

Muskogee, Indian Territory, May 6, 1903.

Frank Jones,
Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 23rd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification to Mississippi Choctaws of the several persons included in the consolidated case of Ann Jones, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED).

Tama Dixie

Chairman

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 30 1902

Name Frank Jones

Age 43 Blood 1/4

Post-Office, Greensboro, Ala.

Father: Jacob Jones d

Mother: Ann " L

Claims through mother.

Wife Lou Jones L
No claim for wife.

Children:

For wife only.

Stenographer

J. S. Miles

Choctaw MCR 5500

William Holly

MCR 5500

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

In the matter of the application of William Holly, et al.,
for identification as Mississippi Choctaws, M.C.R. 5500.

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

	(Page)
Original application of William Holly, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Abner Loche-----	1
Affidavit of Cynthia Martin-----	1
Affidavit of Jerry Lawson-----	2
Decision of the Commission refusing the ap- plication of William Holly, et al., for identification as Mississippi Choctaws-----	2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of William Holly for the identification of himself and two minor children, Eddie and Nancy, as Mississippi Choctaws.

Said William Holly, being first duly sworn, testified as follows;

Examination by the Commission:

- Q What's your name? A William Holly.
Q How old are you? A Seventy-three.
Q How much Choctaw blood have you? A My mother was a full blood Choctaw.
Q And your father had no Choctaw blood? A I don't know—I never saw him and don't know who or what he was.
Q You claim to be a half blood, then? A Yes sir.
Q What's your postoffice address? A Greensboro, Alabama.
Q Hale County? A Yes sir.
Q How long have you lived there? A Been out there about forty years.
Q Where did you live before that? A In Mississippi.
Q What County? A Choctaw County, I reckon; I was small and went from there to North Carolina and from there to Greensboro.
Q Were you a slave? A Yes sir.
Q You don't know in just what County in Mississippi you were born in? A No sir, not exactly, but they said my father lived in the Choctaw Nation in Mississippi—him and his sister—his brother went to North Carolina.
Q Your mother was owned by your father, was she? A Yes sir.
Q Your father was a white man? A Yes sir, I reckon so.
Q What was his name? A Holly.
Q What other name did he have? A No other name as I know of.
Q Is your mother living? A No sir.
Q What was her name? A Phyllis Holly.
Q You claim Phyllis was a full blood Choctaw woman, do you? A Yes sir.
Q How long has she been dead? A About nineteen years.
Q About how old was she when she died? A She was seventy-eight.
Q Where was she born? A Born in Mississippi.
Q Do you know what place? A Vicksburg.
Q How long did she live in this State? A I don't know, sir.
Q Did she live here from the time of her birth until the time you were removed back to the Carolinas? A Yes sir.
Q Was she a slave? A No sir; the old folks told me she wasn't no slave; I was stolen from my mother.
Q Did your mother go to Carolina with you? A Yes sir.
Q She was in bondage, then, wasn't she? A Yes sir.
Q Could she speak the Choctaw language? A Yes sir.
Q Do you understand it? A Yes sir, I could understand a little of it.
Q Do you know the names of her father and mother? A No sir, I knowed her mother.

William Holly, et al.,--2

- Q What was her name? A Clara.
- Q Where was she born? A In Mississippi.
- Q What place? A The same place, I reckon--I don't know exactly.
- Q Did she live in Mississippi all her life? A Yes sir, until she went to North Carolina.
- Q She went back there with your mother, did she? A Yes sir.
- Q Was she a slave too? A I don't know what she was.
- Q You were all carried back there together to this Holly family? A Yes sir, I think they said twenty-two were moved there. Speculators carried them all back there.
- Q Did your mother and grandmother move to Greensboro when you did? A They carried me a baby.
- Q To Greensboro? A Yes sir.
- Q I understood you to say a while ago that you were just a small child when you went from Mississippi to North Carolina? A Yes sir.
- Q How old were you when you left North Carolina and went to Greensboro? A I wasn't there in North Carolina more than one or two years and I went from there to Greensboro.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q Was she any Choctaw blood? A None, sir, as I know of.
- Q You make no claim for her? A No sir.
- Q What's her name? A Jane Holly.
- Q Have you been married more than once? A Yes sir.
- Q How many times? A Twice.
- Q Is your first wife living? A No sir.
- Q How long has she been dead? A I reckon, died the second year after the surrender.
- Q Where were you living at that time? A In Greensboro, Alabama.
- Q Did you ever have any children by her? A No sir.
- Q Were you married to your present wife under a license? A Yes sir, married to both under a license.
- Q Where were you married to her? A In Greensboro.
- Q When? A About thirty years ago.
- Q Who married you? A Preacher Ramsey.
- Q How many children have you living who are under age and unmarried? A Two.
- Q What are their names? A Eddie, eighteen.
- Q Next one? A Nancy, seventeen.
- Q Are these two children living with you at this time? A One is and the other isn't.
- Q Which one is living with you? A Nancy.
- Q Where does Eddie live? A In Mississippi now, somewhere.
- Q Is he married? A No sir.
- Q His home is still with you, is it? A Yes sir.
- Q You make application, then, for yourself and two minor children? A Yes sir.
- Q Are these children the children of yourself and Jane Holly? A Yes sir.
- Q Has any application of any description ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A Not 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

William Holly et al--3

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, your forefathers, your old folks, ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A Not as I know of.

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

Q Did any of them 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 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 any of them ever receive any land under that treaty from the Government? 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 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 but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

William Kelly, et al.,--6

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 this 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A Not as I know of.
- Q So far as you know none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not as I know about.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence 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 behalf? 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 Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q How many children have you living who are of age? A Two.
- Q What are their names? A John and Fed.
- Q Have they been before the Commission? A No sir.
- Q Where do they live? A They live in the State of Alabama.
- Q Have you any children dead? A Yes sir.
- Q Did any of them leave children? A No sir.
- Q Have you any brothers living? A Yes sir, two brothers living.
- Q By the same mother? A Yes sir.
- Q What are their names? A Arthur and Jerry Hollis.
- Q Where do they live? A One is in Columbus, Mississippi and the other one is in North Carolina.
- Q Have they been before the Commission? A Not as I know of.
- Q Have you any sisters living? A No sir.
- Q Did you ever have any? A Had one but she died.
- Q Did she leave children? A No sir.
- Q Have you any brothers dead? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which

William Holly, et al., vs

the negro blood predominates; his hair is somewhat inclined to be straight. He has none of the features or characteristics of an Indian and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, held at Meridian, Mississippi, April 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 13th day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer

Notary Public.

P.S.W.

COPY

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

--0--

In the matter of the application of William Holly, et al.,
for identification as Mississippi Choctaws, N.C.R. 5500.

---: 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 Holly for himself and his two minor children, Eddie and Fanny Holly, under the following provision of the act of Congress approved June 20, 1898, (30 Stats., 495):

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

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 Martha Holly (or Holly), who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen

hundred and thirty. The principal applicant states that the mother of the said Phyllis Kelly (or Kelley) was named Clara, but he is unable to give her surname, and it is therefore impossible for the Commission to determine whether or not this more remote ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

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 Phyllis Kelly (or Kelley) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 213).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of William Holly, Edna Holly and Harry Holly as Cheate Indians, entitled to rights in the Cheate 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:

Tom S. Pixby

Acting Chairman.

SIGNED:

F. B. Needles

Commissioner.

SIGNED:

O. R. Breakinridge

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

Miss. Crocker
Miss. Lane, 2000,
Miss. Lane, 2000, 2001, 2002

Muskogee, Indian Territory, June 2, 1902.

Houston G. Jack,

Attorney at Law,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28,
inclosing affidavits for filing with applications for identification
as Mississippi Choctaws, as follows:

Affidavits of Andrew Sells, E. Markham and Daniel Lytle in
the case of William H. Thomas.

Affidavits of Abner Leake, Cynthia Martin and Jerry Leavelle
in the case of William H. Hill, et al.

Affidavits of Abner Leake and Aaron Perry, in the case of
William H. Hill, et al. and affidavits of Spencer Smith, one which is be-
filed in the name of Charles Walker, Sr., Charles Walker, Jr.,
Frank Jones, and Sam Jones respectively.

These affidavits have been made a part of the record in
the above named cases and will receive consideration in the dispo-
sition of the applications.

Yours truly,

Acting Chairman.

COPY.

M.G.R. 6500.

Waskohee, Indian Territory, February 4, 1903.

William Holly.

Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Holly, 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 William Holly, Eddie Holly and Nancy Holly as Choctaw Indians entitled 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.

W. H., 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jams Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 4, 1908.

Mansfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of William Holly, 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).

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

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

Respectfully,
SIGNED

Jame Birby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

Sir:

There is transmitted herewith the record in the case of William Holly, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

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

Respectfully,

Taine Birby,
Acting Chairman.

Through the
Commissioner of Indian Affairs.

3 inclosures; M.C.R. 5500

(SOFT)
Department of the Interior,

Land
12784-1903.

Office of Indian Affairs,

Washington, May 5, 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 for identification as Mississippi Choctaws of William Holly for himself and his two minor children, Edith and Nancy Holly, wherein a decision adverse to the applicants was rendered by the Commission February 4, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Phillis Holly or Holley, the principal applicant's mother who it is alleged was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Decision of the Commission is based on the ground that the name of the ancestor through whom the applicants claim does not appear among the names on their records 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 they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Phillis Holly or Holley and it is discovered

ed that her name does not appear among the names of those who com-
plied or attempted to comply with the provisions of the 14th arti-
cle of the treaty of 1830; neither does it appear that she applied
to the Commissions appointed under Acts. of March 3, 1837 and
August 23, 1842, for an adjudication of her rights, if she had any,
as a Choctaw Indian.

This being the case it is respectfully recommended that the
decision of the Commission rejecting the applicants, be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

C.T.C.

D.C. 14741
IND. 4376-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

COPY

W.C.F.
RAY.

May 14, 1903.

L.R.S.

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

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of William Holly and his minor children, Eddie and Nancy Holly, including your decision of February 4, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Phyllis Holly (or Holley), the mother of the principal applicant, who, it is alleged, was a full blood Choctaw Indian and a resident in Mississippi at the time of the making of said treaty.

The testimony as furnished by the record fails to show that Phyllis Holly (or Holley) ever complied or attempted to comply with said article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that anyone by the name of Holly or Holley complied or attempted to comply with article 14 of the treaty of 1830, or the subsequent acts relating thereto.

Reporting in the matter May 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed.

Copy of his letter is inclosed.

The Department has carefully reviewed the records, and finding no reason to disturb your decision, the same is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary.

1 inclosure.

M.G.R. 5500

COPY.

Muskogee, Indian Territory, May 23, 1903.

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

Gentlemen:

You are hereby notified that on the 14th 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 William Holly, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

Tamas Bixby

Chairman.

M. O. R. 5500.

COPY.

Muskogee, Indian Territory, May 23, 1903.

William Holly,

Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 14th 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 William Holly, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

SIGNED:

Tame Bixby

Chairman

42171

No. 5000

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 30 1902

Date

Name William Holly

Age 73 Blood 1/2

Post-Office, Greensboro, Ala.

Father: _____ Holly d

Mother: Phyllis " d

Claims through mother
wife Jane Holly L
no claim for wife.

Children:

Eddie Holly 18
Nancy " 17

For self and 2 children

Stenographer

J. J. Niles

Choctaw MCR 5501

William Rhone

MCR 5501

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

-----@-----

In the Matter of the application of William Rhone, et al.,
for identification as Mississippi Choctaws, N. C. R. 5801.

-----@-----

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

-----@-----

	Page.
Original application of William Rhone, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Affidavit of Abner Look,.....	5
Affidavit of Aaron Perry,.....	6
Decision of the Commission to the Five Civilized Tribes, refusing the application for identification as Mississippi Choctaws of William Rhone, et al.,.....	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of William Rhene for the identification of himself and one minor child, Ida, as Mississippi Choctaws.

Said William Rhene, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A William Rhene.
Q How old are you? A About fifty years old.
Q How much Choctaw blood do you claim to have? A About a half.
Q What's your postoffice address? A Greensboro, Alabama.
Q How long have you lived in Hale County, Alabama? A Almost all my life.
Q Where were you born? A I was born in Mississippi.
Q How old were you when you left the state of Mississippi? A I was just a baby.
Q And you have lived in Alabama since that time? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Billy Rhene.
Q Is your mother living? A No sir.
Q What was her name? A Fannie.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Your mother had none? A No sir.
Q How long has your father been dead? A He's been dead ever since before the surrender, long before the surrender.
Q About how old was he when he died? A I don't know sir.
Q Have you any idea how old he was? A No sir.
Q Through which one of his parents did he get his Choctaw blood? A I couldn't tell you.
Q Do you know anything about that? A No sir.
Q Do you know the names of his parents? A No sir, I don't know the name of none but him and my mother.
Q How much Choctaw blood did your father have? A He was just like you - see me.
Q Do you know how much Choctaw blood your father had, or anything about it? A No sir, I don't know.
Q Could your father speak or understand the Choctaw language? A He talked sort o' plain fashion to me.
Q You don't speak or understand the Choctaw language, do you? A I don't know, sir, how I speak.
Q You know they have a separate language from what we are speaking now, don't you? A Yes sir.
Q You don't speak their language, do you? A No sir.
Q There was your father here, do you know? A No sir, I don't know.
Q Was he married to your mother? A Yes sir.
Q How many children did she have by him? A Three boys.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.

William Rhone, et al., --2

- Q What's her name? A Viney Rhone.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her, then? A No sir.
- Q Have you any children by her? A No sir.
- Q Were you ever married before you married Viney? A Yes sir.
- Q How many times? A Just once.
- Q What was your first wife's name? A Mary.
- Q Were you married to Mary under a license? A Yes sir.
- Q Have you any children living by Mary? A Yes sir.
- Q How many? A Three.
- Q Are any of them under age? A One.
- Q What's that one's name? A Ida Rhone.
- Q How old is she? A About nineteen.
- Q Is she married? A No sir.
- Q When were you married to her mother, Mary? A I married her about seven years before the surrender.
- Q Where did you marry her? A In Hale County, Alabama.
- Q How long did you live with her after the surrender? A I couldn't tell exactly.
- Q How long has she been dead? A About seven years ago.
- Q You lived with her until her death? A Yes sir.
- Q Did she have any Choctaw blood? A No sir.
- Q This application 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 the time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes 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 thereunder? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.
- Q Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, not as I know of.
- Q Did any of them ever claim or receive any land from the Government under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Or never have got any benefits whatever as Choctaw Indians? 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 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 duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

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

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A 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 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 description to offer at this time? A No sir.

William Rhone, et al., --4

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

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children living who are of age? A I got two.
- Q What are their names? A Allen Rhone and Rosetta Rickard.
- Q Have they been before the Commission? A No sir.
- Q Where do they live? A They live about two miles beyond me, Green County, Alabama.
- Q Have you any children dead? A Yes sir, I have two.
- Q Did either of them leave children? A No sir.
- Q Did you ever have any brothers or sisters? A No sir, not but one and he died when he was small.
- Q Have you a sister? A Yes sir.
- Q What's her name? A Amy Rhone.
- Q Where does she live? A Near Greensboro.
- Q Is she married? A No sir, not now; she had a husband but he died.
- Q What was his name? A Monday.
- Q Has this woman ever been before the Commission? A No sir.
- Q Is she a full sister of yours? A Yes sir.
- Q Did you ever have any other brothers or sisters? A No sir.

The applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as a 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 30th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of May, 1902,
at Muskogee, Indian Territory.

Charles K. Sawyer

Notary Public.

COPY.

*Off
C.W.*

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

In the matter of the application of William Rhone, et al.,
for identification as Mississippi Choctaws, M. G. R. 5501.

--: 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 Rhone for himself and his minor child, Ida Rhone, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 495):

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

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the

treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Billy Stone, 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 neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896. (29 Stats., 321).

It 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 Billy Stone 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, 1857, (5 Stats., 100), and August 23, 1848, (5 Stats., 513).

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

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
FEB 2 1903

Miss. Counties
0400, 0400, 0400,
0400, 0400, 0401, 0401

Muskogee, Indian Territory, June 2, 1904.

Hector G. Juch,

Attorney at Law,

Brantford, Michigan.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, enclosing affidavits for filing with applications for identification as Mississippi Choctaws, as follows:

Affidavits of Andrew Lake, W. Markers and Daniel Lyles in the case of William M. Thomas.

Affidavits of Shaw Locke, Cynthia Martin and Jerry Lamson in the case of William Holley, et al.

Affidavits of Shaw Locke and Aaron Perry, in the case of William Rhoads, et al., and affidavits of Spencer Smith, are each to be filed in the cases of Charles Waller, Sr., Charles Waller, Jr., Frank Jones, and Ann Jones respectively.

These affidavits have been made a part of the record in the above named cases and will receive consideration in the final action of the application.

Yours truly,

Acting Chairman.

COPY

M.C.R. 5501

Muskogee, Indian Territory, February 2, 1903.

William Rhone,

Greensboro, Alabama.

Dear Sir:

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 William Rhone, 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 William Rhone and Ida Rhone as Choctaw Indians entitled 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

William Stone,--S

case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs,

Respectfully,

SIGNED

James Barry

Acting Chairman.

Registered.

COPY

M.C.R. 5501

Muskogee, Indian Territory, February 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

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 William Rhone, et al., applicants for identification as Mississippi Choctaws.

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

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

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

Respectfully,

'SIGNE'

Tams Dixby,
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Rhone, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1905.

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,

(SIGN)

James Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5581.

M S R 8801

Muskogee, Indian Territory, February 24, 1903.

William Rhone,
Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws. You ask if it is necessary for you to appear before the Commission at Muskogee, Indian Territory to file arguments in your case.

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 transmitted to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

Land.

1884--1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 8, 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 William Rhame for himself and his minor child, Ida Rhame, wherein a decision adverse to the applicants was rendered by the Commission on February 8, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Billy Rhame, father of the principal applicant. The applicants are unable to give the name of an ancestor more remote, or one who was a resident of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who stipulated or attempted to comply with the provision of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as

citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the name of Billy Rhone, 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,

A. C. Tenner,
Acting Commissioner

H.B.F. (E.)

D.C. 12672-1903.

I.T.D. 3604-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

PHS

April 20, 1903.

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

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of William Rhone, for himself and his minor child, including your decision of February 2, 1903, 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 Billy Rhone, who is alleged to have been a Choctaw Indian, degree of blood not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter April 8, 1903, the Acting Commissioner of Indian Affairs recommends the approval of your decision. 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.

COPY.

M.C.R. 5501

Muskogee, Indian Territory, May 7, 1903.

William Rhone,
Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 29th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Rhone, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

COPY

M.C.R. 8801

Muskogee, Indian Territory, May 7, 1903.

Hansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 29th day of April, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Rhano, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

James Birby
Chairman.

#21721

No. 5501

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 30 1902

Name ^{Date} *William Rhone*

Age *50* Blood

Post-Office, *Greensboro, Ala*

Father: *Billy Rhone* d

Mother: *Fanny* " d

Claims through *father*
wife *Viney Rhone* d
no claim for wife

For self and

Children:

Ida Rhone 19
mother *Mary (no Choctaw blood)* d

Choctaw MCR 5502

William M. Thomas

See MCR 5474

MCR 5502

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 30, 1902.

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

Said William M. Thomas, being first duly sworn, testified
as follows:

Examination by the Commission.

- Q What's your name? A William M. Thomas.
Q How old are you? A Twenty-five.
Q How much Choctaw blood have you? A From my mother's statement I
am a quarter.
Q What's your postoffice address? A Greensboro, Alabama.
Q How long have you lived in Hale County, Alabama? A Twenty-four
years.
Q Where were you born? A Columbus, Georgia.
Q Is your father living? A Yes sir.
Q What's his name? A Matthew Thomas.
Q Is your mother living? A Yes sir.
Q What's her name? A Nettie Thomas.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q Is she the Nettie Thomas who appeared before the Commission here
yesterday and made application for identification as a Mississippi
Choctaw? A Yes sir.
Q Where does she live? A She lives in Greensboro, Alabama.
Q Where was she born? A Milledgeville, Georgia.
Q How long did she live in Georgia? A Twenty-nine years.
Q She has lived in Alabama since that time? A Yes sir.
Q She claims to be a half blood Choctaw? A Yes sir.
Q Through which one of her parents does she get her Choctaw blood?
A From her father.
Q What was his name? A Martin Hatchel.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A Only for myself.
Q What's your wife's name? A Willie L. Thomas.
Q You have no children? A No sir.
Q This application is for yourself only, then? 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
article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with
its provisions or ever receive any benefits thereunder? A Not
that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation
in Mississippi and Alabama in the year 1830 when this treaty was
made? A Not as I know of, only this—that after my grandfather

William M. Thomas--2

came from Mississippi he kept in communication with the Indians and he would get notice from them every year or two and he would go out there but what for my mother said she didn'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 between the years 1833 and 1838? A Not as I know of.

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

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

Q Did you ever hear of any of your people ever having gotten any land 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 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 with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here to Mississippi 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 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

William M. Thomas--3

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 of.

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

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

Q Have you any written evidence of any kind to offer at this time? A I desire to have the evidence in my mother's case considered in my case.

Q You have no 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 Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

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

Q You don't speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a fullblood negro - shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the Kheye entitled cause, heard at Meridian, Mississippi, April 30th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of May, 1902, at Muskogee, Indian Territory.


Charles H. Sawyer

Notary Public.

Miss. Choctaw
2400, 2400, 2400,
2400, 2400, 2401, 2400

Mustang, Indian Territory, June 2, 1902.

Houston G. Judd,
Attorney at Law,
Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 19,
inclosing affidavits for filing with applications for identification
as Mississippi Choctaws, as follows:

Affidavits of Andrew Lake, W. Markham and Daniel Lyles in
the case of William H. Thomas.

Affidavits of Almer Locke, Cynthia Martin and Jerry Lawson
in the case of William Kelly, et al.

Affidavits of Almer Locke and Aaron Perry, in the case of
William Stone, et al. and affidavits of Spencer Smith, one each to be
filed in the cases of Charles Waller, Sr., Charles Waller, Jr.,
Frank Jones, and Ann Jones respectively.

These affidavits have been made a part of the record in
the above named cases and will receive consideration in the dispo-
sition of the applications.

Yours truly,

Acting Chairman.

H C 2 1002

Washoe, Indian Territory, September 18, 1902.

William H. Thomas,
Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that no person is authorized to make inquiry concerning your case, and ask that the Commission disregard any inquiry relative thereto if made by any one except your mother.

In reply you are informed that your request has been noted.

Yours truly,

Acting Chairman.

M.C.R. 5474
M.C.R. 5602

Muskogee, Indian Territory, January 10, 1906.

Mr. M. Thomas,
Greenshore, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you ask if a decision has been reached in the case of Nettie and Wm. M. Thomas, Choctaw Indians.

In reply to your letter, you are informed that it appears from the records of the Commission that Nettie Thomas is an applicant for the identification of herself and minor children as Mississippi Choctaws; and that William M. Thomas is an applicant for the identification of himself as a Mississippi Choctaw.

The Commission has not up to the present time rendered any opinion or decision relative to the rights of these persons to be identified as such Mississippi Choctaws, but is now considering their applications and it is probable a decision will be rendered in the near future.

Upon the rendition thereof, the applicants will be duly

W H F 2

notified of the action of the Commission, and of the forwarding of
the records to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, February 5, 1903.

William M. Thomas,
Greensboro, Alabama.

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 Nettie Thomas, et al., concerning the following applications for identification as Mississippi Choctaws:

Nettie Thomas, et al.	M. O. R. 5474
William M. Thomas	M. O. R. 5502

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:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Thomas, Nettie Thomas (S), James Thomas, Estelle Thomas and William M. Thomas as Choctaw Indians entitled 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."

William M. Thomas, --2

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

Respectfully,

SIGNED,

C. R. Breckinridge.

Commissioner in Charge.

Registered.

M.C.R. 5500.

COPY.

Muskogee, Indian Territory, April 17, 1903.

William M. Thomas,
Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 7th 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 Nettie Thomas, et al., of which decision you were advised by registered mail on the 8th day of February, 1903.

Respectfully,

(SIGNED)

Jame Dixby.
Chairman.

2173

No. 5302

For Identification as a Mississippi Choctaw.

Mridiau Miss

Date APR 30 1902

Name William M. Thomas

Age 25 Blood 1/4

Post-Office Greensboro, Ala.

Father: Matthew Thomas L

Mother: Nettie " L

Claims through mother.
wife Willie L Thomas S.
no claim for wife

For self only.

Children:

Stenographer

J. A. Niles

Choctaw MCR 5503

Sidney C. Hopgood

See MCR 5614, 5616

MCR 5503

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

In the matter of the application of Sidney G. Haggood
et al., for identification as Mississippi Choctaws, consoli-
dating the applications of -

Sidney G. Haggood, et al.,	N. C. R. 5533
Tompie Crow, et al.,	N. C. R. 5514
Wila Hamblent, et al.,	N. C. R. 5510

List of papers forwarded to the Secretary of the Interior,
embracing the record in the consolidated case of
Sidney G. Haggood, et al.

	Page.
Original application of Sidney G. Haggood before the Hayes Commission for identifi- cation as a Mississippi Choctaw,	1
Notice of the Commission to Sidney G. Haggood, ..	2
Return registered receipt of Sidney G. Haggood, ..	4
Affidavit of Sidney G. Haggood, in support of application,	5
Affidavit of Harriet Ann Fain, in support of application,	5
Affidavit of Sidney G. Haggood, of death of witness,	7
Application of Sidney G. Haggood, et al., before the Hayes Commission for identification as Mis- sissippi Choctaws,	8
Affidavit of James York in support of application,	10

Affidavit of Sidney S. Haggard, 20

Original application of Temple Green, et al.,
before the Davis Commission for identifica-
tion as Mississippi Choctaws, 21

Affidavit of Sidney S. Haggard, in support
of application, 21

Original application of Will Hamilton, et al.,
before the Davis Commission for identification
as Choctaw, 22

Decision of the Commission refusing the appli-
cations in the consolidated case of Sidney S.
Haggard, et al., for identification as Mis-
sissippi Choctaw, 22

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the application for enrollment as Choctaws of Sidney C. Hopgood; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Sidney C. Hopgood.
Q How old are you? A Thirty-seven.
Q Have ever you been on the Choctaw rolls? A NO sir.
Q Have your father and mother ever been on the Choctaw rolls here in the Choctaw Nation? A No sir, they both died in Texas.
Q You were born and raised in Texas? A No sir, I was born and raised in Mississippi; I was in Mississippi until I was eleven years old.
Q Have you been living in Texas ever since? A Yes sir.
Q Never have been admitted? A NO sir.

Com'r McKennon: We haven't authority to enroll you, and your enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 5, 1902.

N. O. 1102

In the matter of the application of Sidney G. Hoggood
for identification of her self and her four minor children,
John Jefferson Hoggood, Louis W. Hoggood, Andrew Samuel Hoggood and
Resie Anna Hoggood, as Mississippi Choctaws.

Applicant not represented by Attorney.

Sidney G. Hoggood, after being duly sworn, testified as
follows:

Examined by the Commission.

- Q. What is your name? A. Sidney G. Hoggood. (A female.)
Q. How old are you? A. I am thirty-nine years old.
Q. What is your post-office address? A. Sealgate, Indian.
Q. How long have you lived at Sealgate, I. T.? A. Since the
first day of last January.
Q. Where did you live before that? A. South McAlester.
Q. How long did you live at South McAlester? A. About eight years.
Q. Where did you come from to the Territory? A. I came from Texas
and have been here about ten years.
Q. Where did you live in Texas? A. Anderson county.
Q. How long did you live there? A. I came there when I was twelve
years old.
Q. Where did you come from when you were twelve years old? A.
Lauderdale county, Mississippi.
Q. Were you born and reared there? A. Yes, sir.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. No, sir.

- Q. You say your father is living? A. No, sir.
- Q. Well, are your father and mother both dead? A. Yes, sir.
- Q. What was your father's name? A. John Allen.
- Q. What was your mother's name? A. Eliza Allen. Eliza Ann Allen.
- Q. Through which parent do you claim Choctaw blood? A. My mother.
- Q. How much do you claim? A. She was a half breed, and I only claim one-eighth I guess.
- Q. Your father was white and your mother was a half-blood Choctaw? A. Yes, sir.
- Q. If your mother was a half-blood you would claim one half of that, wouldn't you? A. Yes, sir.
- Q. Which would make you one-fourth? A. Yes, sir.
- Q. Has your mother ever been recognized or enrolled in any way as a Choctaw Indian by the tribal authorities or by the United States authorities in Indian Territory? A. I don't know.
- Q. Was she recognized as a Choctaw Indian in Mississippi? A. No, not that I know of. She never came to Indian Territory; she died in Texas.
- Q. Are you married? A. Yes, sir.
- Q. What is your husband's full name? A. Louis W. Hopgood.
- Q. Is he living? A. Yes, sir.
- Q. Is a white man or a Choctaw? A. He is white.
- Q. You don't make any claim for him, do you? A. Yes, sir. I make a claim for him if it will do any good.
- Q. Is he a Choctaw? A. No.
- Q. Under the Curtis bill and the law no one can be identified who does not claim Choctaw blood? A. He does not claim any.
- Q. How many children have you under twenty-one years old and unmarried? A. I have three of age, and two of them are married.
- Q. How many under twenty-one? A. I have children.
- Q. And are any of them married? A. No.
- Q. Give me the name of the oldest one unmarried and under age? A. Jeffis--John Jefferson Hopgood.
- Q. How old is John? A. He is fifteen.
- Q. Next one? A. Andrew Samuel.
- Q. How old is he? A. He is fifteen.
- Q. Are they twins? He he is fourteen.
- Q. Next? A. Louis W. Hopgood.
- Q. How old is he? A. Twelve years old.
- Q. Give the name of the next one? A. Resie Ann Hopgood.
- Q. How old is she? A. She is six years old.
- Q. Is that all? A. There are three more, all over 21.
- Q. Is Louis W. Hopgood the father of these children? A. Yes, sir.
- Q. Are you and he living together as husband and wife? A. yes, sir.
- Q. Are these children living with you at your home? A. Yes, sir.
- Q. Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A. Not that I know of.
- Q. Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities in Indian Territory? A. No, sir.
- Q. Did you ever make application for the enrollment of yourself and children as citizens of the Choctaw Nation under the act of Congress of June 10, 1896? That is, four or five years ago? A. No, sir.
- Q. Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes at any time previous to this? A. No, only that one time.

- Q. What time was that? A. Two or three years ago when you were at South McAlester.
- Q. Were you before the Commission at South McAlester? A. Yes, sir.
- Q. Who was the commissioner presiding at that time? A. McKennon.
- Q. At that time you made application just for yourself? A. Yes, sir. I just went to see if I could make application.
- Q. Did the commissioner take your application? A. He just took my name and asked me a few questions.
- Q. Were you sworn by him? A. Yes, sir.
- Q. Were refused at that time? A. Yes, sir. He said I was too late.
- Q. He said he could not enroll you? A. Yes, sir.
- Q. Do you want the record made in that case and the evidence you gave filed in this application and made a part of the record in this case; do you want that evidence transferred and made a part of this one, and all considered together as one application? A. Yes, sir.

The record made by Sidney C. Hepgood in her application before the Commission at South McAlester, No. 137, is here referred to and made a part of the present application.

- Q. You have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, have you? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I don't know.

The treaty of 1830 was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. The object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw nation in Mississippi to the Choctaw Nation in Indian Territory, but before the treaty was signed it became known that a great many Choctaw Indians would refuse to go, and it was for the purpose of protecting those Choctaws who remained in the old nation that 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 of that quantity for each unmarried child which is living with him over ten years of age and a quart or 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 ever complied or attempted to comply with the provisions of that article? A. I cannot say.
- Q. What is the name of your ancestor through whom you claim the right to be identified? A. Old Uncle Tom Duitt.
- Q. What relation was he to you? A. My great grandfather.
- Q. How much Choctaw blood did he have? A. He was a full blood.
- Q. Did he live in Mississippi in 1830? A. Yes, sir.
- Q. Did he have a family of children there at that time? A. Yes, sir.
- Q. Have you heard so? A. Yes, sir.
- Q. Then he was the head of a family in Mississippi in 1830? A. Yes, sir.
- Q. You get this information through your mother? A. Yes.
- Q. Do you know how old he would be if living now; how old would your grandfather be if he were living now? A. No, I don't know.
- Q. You claim through your mother? A. Yes, sir.
- Q. And she was a half blood Choctaw? A. She was.
- Q. And did she claim through her father or mother? A. Her father and mother both.
- Q. Did she claim through both? A. Yes, my grandmother had a little Indian blood in her. She was part Cherokee, but I don't know how much.
- Q. Was she a daughter of Tom Duitt? A. No, a grand daughter, my mother was his granddaughter. Uncle Tom Duitt was my great-grandfather. Joe Duitt was my grandfather.
- Q. Was Joe Duitt Tom Duitt's son? A. Yes, sir.
- Q. Did Joe Duitt live in Mississippi in 1830? A. Yes, sir.
- Q. Did he have a family of children there at that time? A. Yes, sir.
- Q. Do you know how many children he had in Mississippi at that time? A. He had four.
- Q. How much Choctaw blood did Joe Duitt have? A. I guess he was very near a full blood. I don't know exactly, I have never seen either one of my grandfathers.
- Q. Where was your mother born? A. There in Mississippi.
- Q. At what place? A. At Lauderdale county.
- Q. How long did she live in Mississippi? A. She lived there most of her life.
- Q. Where did she go from there? A. She went to Texas.
- Q. Went to Texas? A. Yes, she died in Texas.
- Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi in 1830? A. Not that I know of.
- Q. Did any of your Choctaw ancestors go within six months after the ratification of the treaty of 1830 to the United States Indian Agent, Col. Ward and tell him they wanted to stay, take lands and become citizens of the States? A. Not that I know of.
- Q. Did any of your Choctaw ancestors own any lands or claim any lands in Mississippi in Mississippi under article fourteen of the treaty of 1830? A. I don't think they did; 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 in Indian Territory with the other Indians between 1833 and 1838 and 1840? A. I don't think that they did; I don't know.

The Choctaw Indians who stayed back there 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 Col. Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take lands 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." His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their land and their improvements, for both were taken from them by the government and sold; this caused a good many complaints among the Choctaw Indians, so that in 1837, on the 3rd of March of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission, by an act of August 23rd of that year, which went to Mississippi, for the same purpose. Both commissions made a record of such names as came before them, claiming benefits under article fourteen of the treaty of 1830.

- Q. Did any of your ancestors go before either of those commissions and claim benefits under article fourteen of the treaty of 1830? A. Not that I know of.
- Q. Did any of your ancestors receive any scrip from the Government which entitled them to take lands in the place of those taken from by the Government and sold? A. Not that I know of.
- Q. This scrip was issued under the act of Congress of August 23, 1842? A. I don't know that they received any of it.
- Q. Have any relatives of yours appeared before the Commission to be identified as Mississippi Choctaws? A. No, sir.
- Q. Have you any other evidence you want to introduce in support of your application? A. I don't know.
- Q. Have you any witnesses or any papers of any kind you want to offer in support of your claim? A. No, sir.

Thirty days time will be allowed this applicant in which to introduce other evidence in this application, if she so desires.

- Q. Do you understand the Choctaw language? A. I can't talk it, I understand a little of it.
- Q. How did you understand it? A. My mother taught it to us.
- Q. Is there anything more you want to say at this time in support of this application. A. No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, brown hair, a medium light complexion; and has no knowledge of the Choctaw language, and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple being sworn states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing application, and that the above is a true and correct transcript of his stenographic notes in name *S. A. Apple*

Subscribed and sworn to before me this May 3, 1901.

Chas. B. Sawyer

Notary Public.

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

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

In the matter of the application of Sidney C. Huggood,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Sidney C. Huggood, et al.,	N.C.R. 5702
Temple Cross, et al.,	N.C.R. 5614
Elia Hamilton, et al.,	N.C.R. 5614

— 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 Sidney C. Huggood for herself and her four minor children, John
Farrarson, Andrew Samuel, Lucie W., and Marie Ann Huggood, by Temple
Cross for herself and her three minor children, Willie Mitchell,
Ferdinand Mitchell and Annie Cross, and by Elia Hamilton for herself
and her three minor children, Ben Conway, Sammie Conway and Willie
My Hamilton, under the following provision of the act of Congress

approved June 21, 1898, (30 Stat., 493):

These commissioners shall have authority to determine the
identity of Choctaw Indians claiming rights in the Coker
and Long Creek cession portions of the Treaty between the
United States and the Choctaw Nation, concluded September
twelve, one thousand eight hundred and thirty, and to hear
and try witnesses in the same, examine witnesses, and perform
all other acts necessary thereto and make reports 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 Tom Dutt (or Thomas Dutt), and of one Jas (or Joseph) Dutt (or Dutt), both of whom are alleged to have been full blood Choctaw Indians, and to have resided in Chickasaw in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It 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 Tom Dutt (or Thomas Dutt), or Jas (or Joseph) Dutt (or Dutt), 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, 1857, (5 Stat., 185), and August 21, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sidney G. Hoggood, John Jefferson Hoggood, Andrew Samuel Hoggood, Lewis W. Hoggood, Essie Ann Hoggood, Tempis Crow, Willis Mitchell, Ferdin- and Mitchell, Annie Crow, Ella Hamilton, Doc Conway, Haniel Conway and Willis Kay Hamilton 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 applica- tion for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James Dixoy.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 28 1902

Choctaw R. 137

Muskogee, Indian Territory, April 7, 1902.

Sidney G. Hopgood,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Harriett Ann Fain, which have presumably been forwarded in response to our communication of February 17, 1902, notifying you that you would be allowed thirty days from that date 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.

These affidavits allege that you are the descendant of a Choctaw Indian who resided in Mississippi 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.

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 rights 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

Miss Choctaw 6663

Waskoge, Indian Territory, May 13, 1908.

Sidney C. Hopgood,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Susan York, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with and made a part of the record in your case.

Yours truly,

Acting Chairman

Muskogee, Indian Territory October 28, 1902.

Messrs. Mansfield, McCurray & 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 Sidney C. Hopgood, et al., embraced in the following applications for identification as Mississippi Choctaws:

Sidney C. Hopgood, et al.,	M.C.R. 5503
Temple Crow, et al.,	M.C.R. 5614
Elia Handless, et al.,	M.C.R. 5616

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 Sidney C. Hopgood, John Jefferson Hopgood, Andrew Samuel Hopgood, Louis W. Hopgood, Bessie Ann Hopgood, Temple Crow, Willie Mitchell, Verda-

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namé Mitchell, Annie Crow, Ella Randleas, Dee Conway, Hazel Conway and Willie May Randleas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal 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

C. F. Brockmiller
Commissioner in Charge.

M.C.R. 5503.

Muskogee, Indian Territory October 22, 1902.

J. D. Poal,

Attorney at Law.

Waco, Texas.

Dear Sir:

You are hereby advised that on the 22th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sidney G. Hopgood, et al., embraced in the following applications for identification as Mississippi Choctaws:

Sidney G. Hopgood, et al.,	M.C.R. 5503
Tempie Crow, et al.,	M.C.R. 5614
Willie Handless, et al.,	M.C.P. 5615.

These applications were made under the provision of the act of Congress of June 26, 1896 (50 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sidney G. Hopgood, John Jefferson Hopgood, Andrew Samuel Hopgood, Louis E. Hopgood, Reata Ann Hopgood, Tempie Crow, Willie Mitchell, Fard-

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mand Mitchell, Annie Grow, Ella Handless, Joe Conway, Hazel Conway and Willie May Handless as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal 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,

WRM:ED

C. R. Breckinridge,
Commissioner in Charge.

Registered.

Muskogee, Indian Territory October 28, 1902.

Sidney C. Hopgood,

Coalgate, Indian Territory.

Dear Madam:

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 Sidney C. Hopgood, et al., embracing the following applications for identification as Mississippi Choctaws:

Sidney C. Hopgood, et al.,	M.C.R. 5503
Temple Crow, et al.,	M.C.R. 5614
Ella Randall, et al.,	M.C.R. 5616

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 Sidney C. Hopgood, John Jefferson Hopgood, Andrew Samuel Hopgood, Louis W. Hopgood, Reenie Ann Hopgood, Temple Crow, Willie Mitchell, Ferdinand Mitchell, Annie Crow, Ella Randall, Doc Conway, Hazel Conway and Willie May Randall as Choctaw Indians entitled to rights in

S C H-2

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

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

Respectfully,

(SIGNED)

[Handwritten Signature]
Commissioner in Charge.

Registered.

Miss. Choctaw 25003

Muskogee, Indian Territory, November 6, 1902.

Sidney C. Hepgood,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 4, asking for a copy of the evidence in the case of Sidney C. Hepgood and others, claimants for identification as Mississippi Choctaws, as you desire this for use in making and submitting argument in this case.

In compliance with your request there is inclosed herewith a copy of the testimony of Sidney C. Hepgood, taken May 5, 1902, at the time of her application for the identification of herself and her minor children as Mississippi Choctaws, together with receipt therefor, which please sign and return to this office.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sidney G. Hoggood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 25, 1902.

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

Sidney G. Hoggood, et al.,	M.C.R. 5603
Temple Grew, et al.,	M.C.R. 5614
W.L. Harkness, et al.,	M.C.R. 5616

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

Respectfully,

26/5

James D. Davis

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5603

Copy

Department of the Interior
Office of Indian Affairs,

Land
68,342-1902.

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 consolidated application for identification as Mississippi Choctaws of the following parties: Sidney C. Hopgood for herself and her four minor children, John Jefferson, Andrew Samuel, Louis W. and Rosie Ann Hopgood; Temple Crow for herself and her three minor children, Willie Mitchell, Ferdinand Mitchell and Annie Crow; and Ella Randleas for herself and her three minor children, Doc Conway, Hazel Conway and Willie May Randleas, wherein a decision adverse to the applicants was rendered by the commission 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 Tom Duit and Jos Duit. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of 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 in this office with reference to the names of Tom Duitt and Jos Duitt, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,
Acting Acting Commissioner.

(E.B.H.)

P.

DC-05-4313

Department of the Interior
Washington,

EAF.

ITD, 996-1903

February 9, 1903.

LRS

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

Gentlemen:

November 13, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Sidney C. Hopgood and her minor children, John Jefferson, Andrew Samuel, Louis W. and Rosie Ann Hopgood; of Temple Crow and her minor children, Willie Mitchell, Ferdinand Mitchell and Annie Crow; and of Ella Randleas and her minor children, Doc Conway, Hazel Conway and Willie May Randleas. Your decision of October 28, 1903, was adverse to the applicants.

The applicants endeavor to trace their descent from one Tom Duit (or Thomas Duett), and one Joe (or Joseph) Duit (or Duett), who are alleged to have been full blood Choctaw Indians and to have resided in Mississippi in 1830.

The record fails 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 Stats., 180),

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and August 23, 1842 (5 Stats., 613).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and hereby affirms the same.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

K.C.R. 3503

Muskogee, Indian Territory, February 21, 1903.

Sidney C. Hepgood,
Coalgate, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th 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 Sidney C. Hepgood, et al., of which decision you were advised by registered mail on the 26th day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

COPY

M.C.R. 5503

Muskogee, Indian Territory, February 21, 1903.

J. O. Pool,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th 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 Sidney C. Heggood, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

Jams Bixby.

Chairman.

M.C.R. 5008

COPY.

Muskogee, Indian Territory, February 21, 1903.

Manfield, Murray & Cornish,

Attorneys For the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th 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 Sidney C. Hopgood, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

Tamc Birby.
Chairman.

REFER TO M. C. R. 5503

Sidney C. Hopgood et al

Consolidated Case

Tom Druitt or
Thomas Druitt

full
1830

of Joseph
Joe Druitt, or (Druett)
(near, full) 1830



Eliza Ann Druitt (or Druett)
married
John Allen,

Sidney C. Allen, 31. 1/2
married
Louis W. Hopgood, w

met
5614
Tempie Hopgood, 27 1/8
married
① Jim Mitchell w
② C. A. Crow. w

met
5614
Willie Mitchell 9
"Ferdinand Mitchell 6
"Annie Crow 2
met
5614
Doc Conway 7
"Hazel Conway 2
"Willie May Randleas, 3m

met
5614
Ella Hopgood, 24 1/8
married
① George Conway, w. dead
② Frank Randleas, w

met
5503
John Jefferson Hopgood 15
"Andrew Samuel Hopgood 14
"Louis W. Hopgood 12
"Rosie Ann Hopgood, 6

Register to Sidney C. Hopgood,

South McAlester, I. T.

and return receipt to Choctaw R 137

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Sidney C. Hopgood.
Age 39 Blood 1/4

Post-Office, Coalgate, I. T.

Father: John Allen, d. #

Mother: Eliza Ann " d

Claims through Mother - -
Husband
Louis W. Hopgood, l.w.
No claim for husband

Children:

- John J. Hopgood, 15
- Andrew S. " 14
- Louis W. " 12
- Rosie Ann " 6

Claims for self
and children

Stenographer J. A. Apple.

Choctaw MCR 5504

John P. Linney

See MCR 4514

MCR 5504

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 6, 1902.

X 5 - 5504 -

In the matter of the application of John Perry Linney
for the identification of himself and his two minor children,
Stella Linney and Myrtle May Linney, as Mississippi Choctaws.

Applicant not represented by Attorney.

John Perry Linney being first duly sworn testified as
follows:

Examination by the Commission.

- Q. What is your name? A. John Perry Linney.
- Q. What is your age? A. I am thirty years old.
- Q. Are you married? A. Yes, sir.
- Q. Have you any children? A. I have two.
- Q. Have you a lawyer, A. No, sir.
- Q. What is your post office? A. Key, Texas.
- Q. Do you live in Indian Territory? A. Yes, sir I live in the
Chickasaw Nation.
- Q. Where were you born? A. I was born in Texas.
- Q. How long have you lived there? A. I lived in Texas about 21
years.
- Q. How long have you been in Indian Territory? A. Nine years.
- Q. How is it you get your mail in Texas, at Key, when you live in
the territory? A. It is more convenient for me to get it at
Key, as I run a ferry boat there near by, but I sometimes
get my mail at Kemp, I. T.
- Q. You are a ferryman? A. Yes, I run the ferry boat on Red River,
at Ferguson's ferry, but live in Chickasaw Nation.
- Q. How long have you lived there? A. Something over three years.
- Q. Is your father living? A. No.
- Q. Is your mother living? A. No, sir.
- Q. What was your father's name? A. George Linney.

- 2-
- Q. What was your mother's name? A. Nancy Linney.
- Q. Through which parent did you claim Choctaw blood? A. My mother.
- Q. How much Choctaw blood do you claim? A. I don't know. My mother died when I was but four months old and I have never heard very much about it.
- Q. Was your mother ever recognized in any or enrolled by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. I can't say.
- Q. Did she ever live in Indian Territory? A. No, sir. Yes, she has lived in Indian Territory.
- Q. Did you ever hear her say that she had been enrolled either by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. Not that I can remember of.
- Q. Is your wife living? A. Yes, sir.
- Q. Is she a Choctaw Indian or a white woman? A. A white woman.
- Q. What is her name? A. Rosie Linney.
- Q. Do you make any claim for her? A. No.
- Q. Give me the name of your oldest child? A. Stella Linney.
- Q. The next one? A. Myrtle May Linney.
- Q. How old is Stella? A. Five years old.
- Q. How old is Myrtle? A. Two.
- Q. Where and when were you married to your wife, Rosie? A. I was married nine years ago this coming July, on the 23rd; married at Ferguson's Ferry on Red River.
- Q. By a minister under a license? A. Yes, sir.
- Q. Have you the proof of your marriage with you? A. No, sir.
- Q. Can you introduce that later if necessary? A. I guess I can.

A reasonable time will be allowed for that purpose.

- Q. Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A. No, sir; not that I know of.
- Q. Have you ever made application for citizenship for yourself and children to the Commission to the Five Civilized Tribes in Indian Territory? A. I went before the former Commission at McAlester to make application.
- Q. You have never made application to the Choctaw tribal authorities, have you? A. No, sir.
- Q. Did you ever make application for citizenship for yourself and children to the Commission under act of Congress of June 10, 1876? A. No, sir.
- Q. Did you ever make application to any authority whatever for citizenship in the Choctaw nation? A. I went before the Commission at South McAlester, Ind. Ter. for enrollment as a Choctaw by blood.
- Q. At that time you gave your age as 27, didn't you? A. Yes, sir.
- Q. In what year was that, did you remember? A. It was in 1899, I think.
- Q. What was done with your application at that time? A. I don't know.
- Q. Don't you know whether you were accepted or not? A. I was rejected.
- Q. Do you know on what ground you were rejected? Because I had not been enrolled, they claimed.
- Q. Who was the commissioner presiding at that time? A. I don't remember.

The records of the Commission show that this applicant John Linney, et al., made application for citizenship in the Choctaw Nation, which application was made at South McAlester, Indian Territory, before Commissioner K'Kennon, No. R-168, and that his said application was at that time refused by said commission as aforesaid.

- Q. Do you want to have the evidence and the record made in that case transferred to and considered in this application as a part of the record in this case? A. Yes, I guess I do.
- Q. Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the United States authorities or the United States court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and your two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand the provisions of that article of that treaty? A. No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, and it was made for the purpose of removing as far as possible all the Choctaw Indians from the old Choctaw nation in Mississippi to the Choctaw nation in Indian Territory, but before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory and article fourteen was put in the treaty for the purpose of protecting those Choctaws who remained in the old nation. It reads as follows:

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

- Q. Do you know whether any of your ancestors ever complied or attempted to comply with any of the provisions of that article? A. I don't know.
- Q. What is the name of your Choctaw ancestors through whom you claim the right to be identified? A. My mother and my grandmother.
- Q. Now which do you claim through? A. My great-grandfather.
- Q. What was his name? A. Jim Fletcher.
- Q. How much Choctaw blood did he have? A. Three-quarters.
- Q. How much have you, then? A. One-fifth or one-sixth.

- Q. Do you know how much blood you have? A. I don't know.
- Q. Did your grandfather speak the Choctaw language? A. I don't know.
- Q. Did he have an Indian name or did you ever hear that he had? A. I can't say.
- Q. How old would he be if living now? A. I don't know.
- Q. In what part of Mississippi did he live? A. I don't know.
- Q. Was he the head of a family there in Mississippi in 1830? A. I don't know.
- Q. Did you ever hear that any of your Choctaw ancestors lived in Mississippi in 1830 and was the head of a family there at that time? A. No, sir.
- Q. Did any of your Choctaw ancestors ever go within six months after the treaty of 1830 was ratified to the United States Indian Agent, Col. Ward, and tell him that they wanted to stay, take lands 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 east of the Mississippi River to the Choctaw nation in Indian Territory with the other Indians who went in 1833 to 1838 and 1840? A. I don't know.
- Q. Did any of your Choctaw ancestors own any land or improvements on lands in Mississippi or Alabama, claiming them under article fourteen of the treaty of 1830? A. I don't know whether they did or not.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified and who refused to go to the Indian Territory were required, if they wanted to take advantage of the provisions of that article of that treaty, to go to Col. Ward, the U. S. Indian Agent, and tell him that they wanted to stay, take lands 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". His neglect to do this caused a good many Indians in Mississippi to lose both their lands and improvements, for none were taken from by the government and sold. This caused so many complaints among the Indians that congress, in 1837 on the 3rd day of march of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed by an act of Congress of August 23rd of that year, and both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names who appeared before them.

- Q. Did any of your Choctaw ancestors go before either of these commissions and claim benefits under that article? A. I don't know.
- Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to lands in Mississippi, Alabama, Louisiana or Arkansas in place of those taken from them and sold? A. I don't know.
- Q. This scrip was issued under authority of the act of Congress of August 23rd 1842, did your ancestors receive any such scrip? A. Not that I know of.
- Q. Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A. Yes, my sister.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of John Linney for enrollment of a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A John Linney.
Q How old are you? A Twenty-seven.
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?
A No sir.
Q Where do you live? A In the ^{Chickasaw} ~~Choctaw~~ Nation.
Q When did you come from Texas there? A In 1892.
Q Were you born and raised in Texas? A Yes sir.
Q Have you lived all the while in the Nation since 1892?
A Yes sir.

Com'r McKennon: Enrollment of yourself and children is refused.

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

M. DeWitt

McKehee, Indian Territory, February 21, 1901.

John Linney,

Kemp, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant wherein you desire that the depositions of Harry Leonard and John Lane be forwarded with your application for enrollment as a citizen of the Choctaw nation to the secretary of the Interior.

Replying to your letter the Commission had to inform you that at South McAlester, Indian Territory, in September, 1899, John Linney, 27 years of age, appeared before the Commission and made application for the enrollment of himself and children as citizens of the Choctaw nation. The Commission at that time after a consideration of such application refused to enroll John Linney and his children.

The depositions of Harry Leonard and John Lane referred to by you do not appear to have been filed by the Commission in the matter of your application for enrollment as a citizen of the Choctaw nation and we are therefore unable to comply with your request to forward the same to the Secretary of the Interior.

The Commission will in the near future furnish you with a written decision stating fully therein the reason for any action that may be taken by the Commission.

Yours truly,

44-009

COMMISSIONERS
HARRY L. DAWES,
WAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
Choctaw No. R-166

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1903.

In the matter of the application of)
John Linney for the enrollment of)
himself as a citizen by blood of the)
Choctaw Nation.)

To John Linney,

South McAlester, Indian Territory,

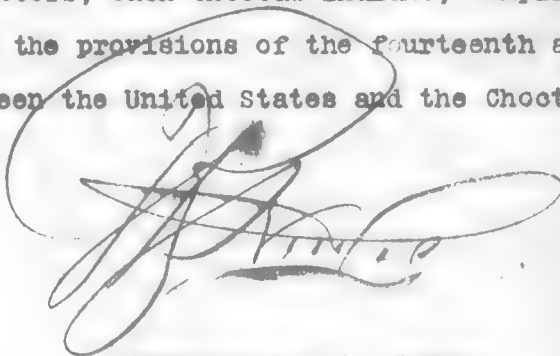
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"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."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

J. L., 2.

descendant 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.

A handwritten signature in dark ink, appearing to be "J. L. Smith", is written over the text of the document. The signature is highly stylized and cursive.

Commissioner in Charge.

Register.

Wm. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5504.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1903.

John P. Linney,
Key, Texas.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of 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 B. 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 States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J. P. L. # 2.

Said decision concludes as follows:

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

M.C.R. 5504

COPY.

Muskogee, Indian Territory, August 8, 1903.

John P. Linney,

Key, Texas.

Dear Sir:

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)

[Signature]
Commissioner in Charge.

No. 5504

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name John P. Linney -
Age 30 - Blood don't know.

Post-Office, Key, Texas.

Father: George Linney, d

Mother: Nancy " d

Claims through mother —

wife Rosie Linney. l. w.

No claim for wife.

Children:

Stella Linney, 5

Myrtle May " 2

Claims for self &
children —

Photographer S. A. Apple.



REGISTERED



DEPARTMENT OF COMMERCE
COMMISSION TO THE FUTURE OF THE TEXAS

FILED

APR 7 1903

CHAIRMAN

Ind Notice and Proof 18.
Notice to begin 27.2/21



UNCLAIMED.

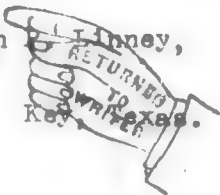
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UNCLAIMED.

3)

John C. Tinney,



Register No 1670

Spst at P. O. #1

Choctaw MCR 5505

Lizzie Marshall

See MCR 5317

MCR 5505

7- P. 703

Choctaw
P. 700.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30th, 1900.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Lizzie Marshall and her three minor children; being sworn and examined by Acting Chairman Dixby testified as follows:

- Q What is your name? A Lizzie Marshall.
Q What is your age? A My age is 34 years.
Q Where do you live? A I live near Carbon, I. T.
Q Is that your postoffice address? A Yes sir.
Q You claim to be a Choctaw? A Yes sir.
Q Make application for enrollment as a Choctaw by blood? A yes sir.
Q How much Choctaw blood do you claim to have? A One half.
Q Your father a Choctaw? A Yes sir.
Q Is he living? A No sir, he died when I was quite small.
Q What is his name? A They called him William Hiram Brice.
Q Was your father ever recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A I was so small I don't remember.
Q You don't know? A No sir.
Q Did your father ever apply to the tribal authorities of the Choctaw Nation for enrollment as a citizen of the Choctaw Nation? A Yes sir.
Q When? A When I was quite small. He had his claim in George Harkins hands as well as I can remember. I was quite small and can hardly remember.
Q In what year was this claim presented to the tribal authorities of the Choctaw Nation? A Let me see. I was so small I don't know whether I can tell you in just what year or not. It has been somewhere near thirty years ago I suppose.
Q Then you think that there was an application made by your father to the tribal authorities of the Choctaw Nation for enrollment as a citizen? A Yes sir.
Q Sometime about 1870? A Yes sir.
Q Do you know what action the tribal authorities of the Nation took in regard to this application? A I do not understand what you mean.
Q If he made application to the tribal authorities of the Choctaw Nation did they accept him or did they reject him? A He had his application and everything and they was all gone through excepting Council. He was ready to go to Council when he died, as well as I can remember.
Q What was your mother's name? A Francis Minerva Saphrena Arlatha Brice.
Q Is she living? A No sir, she died near the time my father died.
Q Was she a citizen of the Choctaw Nation? A No sir she not.
Q She was a white woman? A Yes sir.
Q You do not make any claim through your mother? A No.
Q Then your mother was a white woman? A Yes sir, as I can remember she was.
Q Does your name appear upon any of the tribal rolls of Choctaw Nation? A Well, that I could not tell because I know in but I don't know whether it was put in or not.
Q You don't know whether your name appears upon any of tribal rolls of the Choctaw Nation or not? A No sir.
Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A We was them twice.

Lizzie Marshall - 2-

Q Make a clear statement of just what action was taken. A We went there and it cost us so much money that we did not go before the authorities. We weren't able. They wanted \$100.00 ahead and we did not go before them at all there. We came back home and my sister being blind, her taking her bed and then we did not get to go any farther for I forget how long. I have had so much sickness here lately I can't recollect just as I ought to. I can't recollect just how long she was sick. But she was taken sick and I did not get to do any more until they come to Atoka two years ago I suppose it was. Let me study. Two years ago last March.

Q Then you have not any knowledge of any application ever having been made to the Choctaw authorities or knowledge of any action ever having been taken by them? I don't remember. My father died when I was quite small and I don't remember. She being sick so long and she the eldest and taking the lead and the reason I was not with her at Atoka was on account of the sickness of my husband dying at the point of death. I have left him with his sister to come up here.

Q Did you make application in 1896 to the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896? A We made our papers out but learned afterwards they were not sent in. We paid for them being sent in.

Q Are you married? A Yes sir.

Q What is your husband's name? A George Marshall.

Q How old is he? A 42 years old.

Q Is he living? A He was when I left there. I haven't heard since I came away.

Q Does he make any claim to Indian citizenship by blood? A To Cherokees he does.

Q He claims to be a Cherokee? A Yes sir.

Q Has he ever been recognized by the Cherokee authorities as a Cherokee? A I could not tell whether he has or not.

Q You don't make any application for him as a Choctaw? A No sir.

Q Have you any children? A Yes sir, three.

Q Are they under twenty one years of age and unmarried? A Yes sir.

Q Do you desire to make application for them for enrollment as citizens by blood of the Choctaw Nation? A Yes sir.

Q What are their names and ages? A The eldest named Ellen aged thirteen years. The next one Nita Marshall ten years. The next one Mula Marshall. She is 8 years old.

Q Are these children living with you at your home? A Yes sir.

Q How long have you lived in the Indian Territory? A I have been in the Indian Territory all my life.

Q Were you born in the Indian Territory? A I was born in Georgia and my father brought me here a baby.

Q What year was that? A I was born in 1868 and he brought me here, I guess I was between one and two years old, as well as I recollect just from what they told me.

Q And you have lived here ever since? A Yes sir.

Q Have you been out of the Territory in the last three years? A Only on a visit. I took my husband to a doctor. He was so low. I just went out on a visit.

Q Is there any additional statement you desire to make at this time in furtherance of your application? A I have some evidence in the wagon. Would you want to see them?

Q This is a statement. I want to know if you want to say anything more in regard to your claim. A I can't remember any.

Q You think then all we have is sufficient? A Yes sir.

Sallie Brice being duly sworn testified as follows:

Q What is your name? A Sallie Brice, sister to Lizzie Marshall.

Q How old are you? A 44 years old.

Liam Marshall - B.

A I wanted to ask her some questions about the evidence that she had had heretofore in this case. She has forgotten.

Q Ask her direct questions.

Q Have you had any evidence concerning your case before this? A Yes.

Q What has become of them? A I filed them.

Q Where was that? A At Gads, I. T.

Q Have you the same witnesses now? A No.

Q For what reason? They died last winter.

Q How many died? A 2. The two oldest witnesses we had died last winter. The papers got destroyed. We had the evidence once and they got burned up by fire.

Q Are you a sister to Delia Brice and Jennie Cameron sister to Fannie Brice and sister-in-law to Nancy Milline Brice? A Yes.

Q What was your father's name? A Hiram Brice.

Q Where is your father? A He is dead.

Q Are there any written statements or affidavits or other papers that you desire to file with the Commission at this time? A Yes sir I have some at the wagon down there. I neglected to bring them up.

Q You want to file those now? A Yes sir.

Q Can you get them right away? A Yes sir.

Q All right you had better go get them.

The affidavit of Thos. D. Thompson offered in evidence marked Exhibit "A" and filed.

The affidavit of Lola A. Dawson offered in evidence, marked Exhibit "B" and filed.

The decision of the Commission in regard to your claim and the claim you make on behalf of your children for enrollment as citizens by blood of the Choctaw Nation will be mailed to you in the near future at your present Postoffice address.

The decision of the Commission will be based upon the oral testimony given by you at this time and the papers now submitted by you for the consideration of the Commission. Any papers you may file in the future in furtherance of your claim will not be for consideration of this Commission but will be forwarded to the Honorable Secretary of the Interior together with the other papers in your case when the final rolls of the Choctaw Nation are sent to him for approval.

Myra Young, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case, and that the above and foregoing is a full, true and complete transcript of her stenographic notes taken in said case.

Subscribed and sworn to before me this 26 day of July 1906.

Myra Young
Notary Chairman

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 5, 1902.

M C - 5505 -

In the matter of the application of Lizzie Marshall for identification of herself and her three minor children, Ellen Marshall, Walter Marshall and Ula Marshall, as Mississippi Choctaws.

Applicant not represented by Attorney.

Lizzie Marshall being first duly sworn testified as follows:

Examination by the Commission.

- Q. What is your name? A. Lizzie Marshall.
Q. How old are you? A. I am thirty-six.
Q. What is your post-office? A. Klown, Ind. Terr.
Q. How long have you lived in Klown? A. A. This time over a year; when I was a girl I lived there.
Q. Where were you born? A. In Georgia.
Q. Where in Georgia were you born? A. I don't know.
Q. When did you leave Georgia? A. A. When I was a baby my parents took me to Indian Territory.
Q. Have you been living in Indian Territory ever since? A. Yes, sir.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. William Byron Bryce.
Q. What was your mother's name? A. Frances M. S. A. Bryce.
Q. Through which parent do you claim Choctaw blood? A. My father.
Q. How much Choctaw blood do you claim? A. I am about one-eighth; his was one-fourth.
Q. Has your father ever been recognized in any way or enrolled as a citizen of the Choctaw nation by the Choctaw tribal authority or by the United States authorities in 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 introduce it later, if given time? A. Yes, I have it at home. I am not certain, though, but I think I have it.
- Q. Are you married. A. Yes, sir.
- Q. Your husband living? A. Yes, sir.
- Q. Is he a Choctaw Indian or a white man? A. He is Cherokee, but we are not living together now.
- Q. Are you divorced? A. Yes, sir.
- Q. Did you get the divorce? A. I got it, yes, sir.
- Q. Is he the father of these children? A. Yes, sir.
- Q. How long since you were divorced from him? A. I have just filed my papers and have not got any answer to it yet.
- Q. You are not divorced yet, just filed a bill in court? A. Yes, I just put it in the fall. I have not had the trial yet.
- Q. Have you the custody of the children? A. Yes, sir.
- Q. What is the name of the oldest child? A. Ellen Marshall.
- Q. How old is she? A. Fifteen years old.
- Q. Next one? A. Hetter Marshall.
- Q. A girl? A. Yes, sir.
- Q. How old is she? A. She is twelve years old.
- Q. Next? A. Ula Marshall.
- Q. How old? A. Ten years old.
- Q. Next one? A. That is all.
- Q. What is your husband's name? A. George Marshall.
- Q. Is he the father of these children? A. Yes, sir.
- Q. Are these children living with you since you and your husband separated? A. Yes, sir.
- Q. Do you protect them and support them? A. Yes, sir.
- Q. Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. Not that I know of.
- 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. Not that I know of.
- Q. Have you ever made application for citizenship in the Choctaw Nation for yourself and children to ~~any~~ authority whatever? A. I have not.
- Q. Have you ever made application in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. Yes, sir.
- Q. That was six years ago, and you made application but it was not sent up? A. Yes, sir, I made application but I never heard from it.
- Q. Was that under the law of 1896? A. Yes, sir.
- Q. Did you go before the Commission at that time? A. No, sir.
- Q. Was that on account of the neglect of your attorney? A. Yes, sir.
- Q. Did you go before the Commission later on? A. Yes, sir.
- Q. Did you go before the Commission later on? A. Yes, but I have forgotten what it was.
- Q. Was it June 30, 1900? A. I think so.
- Q. You appeared before the Commission at Muskogee, Indian Territory, and applied for the enrollment of yourself and your minor children as citizens by blood? A. Yes, sir.
- Q. Was Mr. Bixby the acting chairman? A. I think that is the name.
- Q. What was done with your application? A. I don't know. I thought from the way they wrote me that I was on the roll.
- Q. You have received a letter from them? A. Yes, sir. I got this one from them directly after I was here before.
- Q. Have you received any letter from them this year? A. I received this one, dated October 1, 1900.

- Q. You did not submit these affidavits, did you? A. No, sir.
Q. But instead of that you came here in person? A. Yes, sir.
Q. You now want to make application, do you, as Mississippi Chectaw for yourself and children? A. Yes, sir.
Q. Would you like the evidence and record made in this case by you before the Commission at Muskogee, June 30, 1900, here referred to as No. R-703, made a part of the record in this application? A. Yes, sir.
Q. You never have been admitted to citizenship with your children by the Chectaw tribal authorities or by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, have you? A. No, sir. I guess not, but I thought I was when I got this letter.
Q. Do you now claim under article fourteen of the treaty of 1830? A. I guess so.
Q. You claimed under the same treaty previously, didn't you? A. Yes, sir.
Q. Do you understand that article of that treaty? A. No, sir.

The treaty was made on the 27th day of September, 1830, at a place in Mississippi called Dancing Rabbit Creek, between the United States and the Chectaw tribe of Indians, and was for the principal purpose of removing as far as possible all the Chectaw Indians in the old Chectaw nation in Mississippi and Alabama to the Chectaw nation in Indian Territory; but before the treaty was signed it became known that a great many Chectaw Indians would not go from this old nation to Indian Territory, and it was in order to protect those who remained back that article fourteen of the treaty was put into the treaty. The treaty was then signed and was ratified in February, 1831.

Article fourteen reads as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 Chectaw citizen but if they ever remove are not to be entitled to any portion of the Chectaw annuity."

- Q. Do you know if any of your Chectaw ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A. I don't remember.
Q. What is the name of your Chectaw ancestor through whom you claim the right to be identified as a Mississippi Chectaw? A. Gravit was the name of my grandmother.

- Q. What was her full name? A. Nollie Bryce was her name; she was first a Cravat and then she married a man named Bryce.
- Q. What was her husband's name? A. I don't remember. James Bryce, I think.
- Q. What relation was she to you? A. My grandmother.
- Q. How much Choctaw blood did she have? A. One-half, I think.
- Q. How old would she be if living to-day? A. I don't know.
- Q. Do you claim through your father or mother? A. Through my father.
- Q. And this was his mother? A. Yes, sir.
- Q. Where was your father born? A. In Mississippi, I have heard him say.
- Q. He went from Mississippi to what state? A. To Georgia.
- Q. How long did he live in Georgia? A. I don't know.
- Q. Where did he go from Georgia? A. To Indian Territory.
- Q. Did he live and die in Indian Territory? A. He was living in the Territory, but he died in Denison, Texas.
- Q. Do you remember the date of his death? A. No, sir.
- Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A. Not that I know of.
- Q. Did any of them after the ratification of the treaty of 1830, go to Col. Ward, the U. S. Indian Agent, and tell him that they wanted to remain and take lands and become citizens of the States? A. Not that I know of.
- Q. Did any of your ancestors go from that old Choctaw nation east of the Mississippi River to a Choctaw Nation in Indian Territory between 1835 and 1838 and 1840 with the other Indians? A. I don't remember, I was so small. I heard them say they went from Mississippi? A.
- Q. You don't know whether your father or any of your ancestors came to Indian Territory from Mississippi in 1835 to 1840, do you? A. No.
- Q. Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A. Not that I know of.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen, to go to the United States Indian Agent within six months from the ratification of that treaty and tell him they wanted to stay, take lands 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 do this caused a great many Choctaw Indians to lose both their lands and improvements, for both were taken from them and sold by the Government at its public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837, by an act of congress of March 3 of that year, a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission for the same purpose, by an act of August 25 of that year. Both commissions made lists of such names as came before them, claiming under article fourteen of the treaty of 1830.

- Q. Do you know whether any of your ancestors went before either of those commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A. No, sir.

- Q. Under the act of August 23, 1842, it was provided that if any Choctaw Indian who had had lands or improvements taken from him by the government and sold, on account of the failure to have his name upon Col. Ward's list, then he should receive a certificate which entitled him to take lands from the vacant government lands in Mississippi, Alabama, Louisiana and Arkansas in the place of those taken and sold by the Government, and these certificates were called scrip. Did any of your ancestors receive any of this scrip? A. No, sir.
- Q. What relatives have you had to come before the Commission to be identified as Mississippi Choctaws? A. My two sisters, my uncle and one cousin have been here.
- Q. Do you want our case consolidated and considered with theirs and all others who claim under the same ancestors? A. Yes, sir.

The case of Delia Bryce, No. 5241 is here referred to; also the case of Frances Jane Bell, et al., No. 5242.

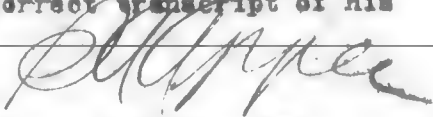
- Q. Do you want to have the testimony given in the case of Delia Bryce considered with yours? A. Yes, sir.
- Q. Do you speak or understand the Choctaw language? A. I do not.
- Q. Is there anything more you want to say in support of your application at this time? A. I want to know if I need any more depositions or evidence?
- Q. That is with you, if you want any more time in which to introduce other evidence you may have it? A. The reason I ask is, I have some witnesses whom I have written to but have not come yet.

You will be allowed until the 1st of June next to introduce any further evidence you may desire.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, brown eyes, and a dark complexion. Dand she does not understand or speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

E. A. Apple, being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 5, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 10th day of May, 1902.


Charles E. Sawyer
Notary Public.

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

In the matter of the application of Lizzie Marshall for the enrollment of herself and three minor children, Ellen, Nita and Eula Marshall, as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 30th, 1900, the applicant, Lizzie Marshall, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Ellen, Nita and Eula Marshall, as citizens by blood of the Choctaw Nation,

It further appears that the applicants are not now and never have been enrolled by the tribal authorities of the Choctaw Nation; that their names do not appear upon any of the tribal 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.

It is therefore considered, ordered and adjudged by the Commission that the application of Lizzie Marshall for the enrollment of herself and her three minor children, Ellen, Nita and Eula Marshall, as citizens by blood of the Choctaw Nation, be, and the same is hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Acting Chairman.

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

In the matter of the application of Lizzie Marshall for the enrollment of herself and three minor children, Ellen, Nita and Eula Marshall, as citizens by blood of the Choctaw Nation.

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It further appears that the applicants are not now and never have been enrolled by the tribal authorities of the Choctaw Nation; that their names do not appear upon any of the tribal 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.

It is therefore considered, ordered and adjudged by the Commission that the application of Lizzie Marshall for the enrollment of herself and her three minor children, Ellen, Nita and Eula Marshall, as citizens by blood of the Choctaw Nation, be, and the same is hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Acting Chairman.

Muskogee, Indian Territory, October 1, 1900.

Lissie Marshall,

Kiowa, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 27th ultimo enclosing certain papers which you request to be filed for the consideration of the Commission in the matter of the application of yourself and your minor children for enrollment as citizens by blood of the Choctaw Nation.

The Commission at the time of your appearance in Muskogee on June 30th, 1900, notified you as follows:

"The decision of the Commission will be based upon the oral testimony given by you at this time and the papers now offered by you for the consideration of the Commission. Any papers you may file in the future in furtherance of your claim will not be for the consideration of this Commission but will be forwarded to the Honorable Secretary of the Interior together with the other papers in your case when the final rolls of the Choctaw Nation are sent to him for approval."

As you were informed at that time, the Commission will base its decision upon your oral testimony and the evidence submitted by you on June 30th, 1900. The papers submitted by you at this time will be filed with the other papers in your case.

Yours truly,

7-2-703

Acting Chairman

Muskogee, Indian Territory, October 8, 1900.

Miss Marshall,

Kiowa, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 5th instant in which you state that you have received the Commission's letter of October 1st.

Yours truly,

Acting Chairman.

7-1-705

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W. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING
Choctaw R-703.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory March 20, 1902.

In the matter of the application of
Lizzie Marshall, for the enrollment
of herself and her minor children
Ellen, Nita and Eula Marshall as
citizens by blood of the
Choctaw Nation.

Lizzie Marshall,

Carbon, Indian Territory.

You are hereby notified that you will be
allowed thirty days from the date hereof within which to submit to
this Commission, your affidavit corroborated by two witnesses,
setting forth that you claim for yourself and three minor children
above named, the right 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, con-
cluded September twenty-seventh, eighteen
hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and per-
form all other acts necessary thereto, and
make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and the
corroborating witnesses, and should set forth the fact that yourself

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and your said minor children claim to be descendants of Choctaw Indians who resided in Mississippi in 1830, and that it is your intention to make personal application to this Commission for the identification of yourself and your said minor children as Mississippi Choctaws.

The affidavit to be submitted will not be considered by the Commission in support of the right of yourself and children to identification as Mississippi Choctaws, but will be accepted as evidencing the fact that yourself and children claim the right to such identification and that it is your intention to make such personal application within the near future.

C. A. Beckwith
Commissioner in Charge.

Register.

M.C.R. 5242,
5243 and 5208.

Muskogee, Indian Territory, May 23, 1902.

Belia 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 Breadlove, 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 Lissie 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 8, and Rules 11 and 12.

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

Relia Bryce

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

Choctaw R 174
M O R 5505

Muskogee, Indian Territory, September 6, 1902.

Lizzie Marshall,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 29, 1902, in which you state that you are of the opinion that the Commission is in error relative to your enrollment and that the wrong papers have been considered in your case.

It appears from our records that at South McAlester, Indian Territory, in September, 1899, Lizzie Marshall, 34 years of age, made personal application to the Commission to be enrolled as a citizen by blood of the Choctaw Nation. At that time she gave her age as 34 years, that she was born in the state of Georgia, emigrated from there when a child and has since then always resided and maintained her residence in the Indian Territory.

On May 12, 1902, the Commission rendered a decision in the matter of the application of the above named Lizzie Marshall to be enrolled as a citizen of the Choctaw Nation, refusing such application for the reason that her name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor had she been admitted to citizenship in the Choctaw

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Nation by the Choctaw tribal authorities, the Commission, the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1898. This decision was affirmed by the Secretary of the Interior on June 12, 1902.

It further appears from an examination of our records that at Muskogee, Indian Territory, on June 30, 1900, Lizzie Marshall, whose age was given as 34 years, of Carbon, Indian Territory, made personal application to the Commission for the enrollment of herself and her three minor children, Ellen, Edna and Neta Marshall as citizens by blood of the Choctaw Nation. There is nothing in the testimony of June 30, 1900 to indicate that Lizzie Marshall who on that date made application is the identical Lizzie Marshall whose enrollment was refused and approved by the Secretary of the Interior May 18, 1902, although she states in her testimony that she was before the Commission at Atoka, Indian Territory during the year 1898.

After the application of June 30, 1900, and on May 5, 1902, Lizzie Marshall again appeared before the Commission, at Muskogee, Indian Territory and reviewed the application theretofore made by her for the enrollment of herself and her three children as citizens by blood of the Choctaw Nation and submitted an

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application for the identification of herself and her three minor children as Mississippi Choctaws, claiming such right by reason of being the descendants of one, Nellie Bryce nee Cravat.

No decision has been rendered by the Commission at this time relative to the rights of Lizzie Marshall and her three minor children to be identified as Mississippi Choctaws but it is probable that such decision will be rendered in the near future.

You will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

M.C.R.5605.

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Carbon, Indian Territory.

Dear Sir:-

On March 22, 1902, there was forwarded from this office, by registered mail, register No. 5025, a letter addressed to Lissie Marshall, Carbon, 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.

COPY.

M. C. R. 5505

Muskogee, Indian Territory, October 25, 1902.

Lizzie Marshall,

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.,	" 5505

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 Ira B. Bryce, Lere B. Bryce, Delia Bryce, Thomas Hiram Bryce, Hester Estell Bryce, Pughma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha B. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie Bryce Bell, Lizzie Marshall, Ellen Marshall, Hester Marshall and Ula

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

You are further advised that 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)

Tams Bixby.
Acting Chairman.

Registered.

Miss. Choctaw 28908

Muskogee, Indian Territory, October 26, 1902.

Lizzie Marshall,

Kiowa, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 24, inclosing affidavit of Tobias Edwards, offered in support of the application for identification as Mississippi Choctaws of Lizzie Marshall, et al. , and asking for a continuance of thirty days in your case.

In reply to your letter you are advised that on October 25, 1902, the Commission refused your application for the identification of yourself and your minor children as Mississippi Choctaws, and you were notified of this action of the Commission and advised that you would be allowed fifteen days from that date within which to submit such arguments as you desired in your own behalf, for forwarding to the Secretary of the Interior. The Commission having rendered its decision in your case, the affidavit forwarded by you is returned herewith.

Respectfully,

Miss, Choctaw 25808

Maskogee, Indian Territory, November 10, 1908.

Lizzie Marshall,

Kiewa, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 7, inclosing the joint affidavits of Lizzie Marshall and Della Bryce, and affidavits of Sam P. Perry and Tobias Edwards, which you request to have forwarded to the Secretary of the Interior with the record in your case.

You are hereby advised that the affidavits above named have been transmitted to the Secretary of the Interior for consideration, through the Commissioner of Indian Affairs, together with the original record in the matter of the application of Ira B. Bryce, et al., for identification as Mississippi Choctaws.

Respectfully,

Acting Chairman.

W C R 8008

Wahkiaca, Indian Territory, February 24, 1903.

Binnie Marshall,

Eagle Point, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you state that you made application for yourself and children and desire to be informed how you can take your land.

In reply to your letter you are informed that the Commission, on October 25, 1902, rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and on the same date you were notified by registered mail of the action of the Commission and that you were allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be transmitted to the Secretary of the Interior.

The fifteen days from October 25, 1902, heretofore granted in this case, expired on November 10, 1902. On November 11, 1902, the records, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be notified in due time of such action as may be taken by him.

It is not believed that yourself and children are in any

S. H. R.

owner entitled to possessory rights of the tribal property of the
Chester and Chickasaw Nations.

Respectfully,

Chickasaw

COPY.

H. C. R., 5505

Muskogee, Indian Territory, February 28, 1903.

Lissie Marshall,

Eagle Point, 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,

(SIGNED)

James Bixby
Chairman.

MM

REFER IN REPLY TO THE FOLLOWING:

MCR 5505

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

Muskogee, Indian Territory, December 18, 1906.

Lizzie Marshall,

Eagle Point, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on December 1, 1906, denied the petition of Fannie Bell and Delia C. Bryce, filed with this office June 22, 1906, praying that they be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish their rights to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner.

10/10
10/10

Lizzie Marshall,

~~Carbon, Indian Territory.~~



Department of the Interior.

Commission to the Five Civilized Tribes.

WASKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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

FILED

OCT 2 1902

~~5005~~
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~~19~~

-5055-



U.S. POST OFFICE
MUSKOGEE, ALA.

FILED

JAN 12 1907

Postmaster
Muskogee, Ala.

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Lizzie Marshall.

Age 36 Blood 1/8

Post-Office, Kiowa, D. T.

Father: William H. Bryce. d

Mother: F. M. S. Q. Bryce. d

Claims through father

husband George Marshall - l. (Cherokee)
has brought wife divorce from husband

No claim for husband

Children:

Ellen F. Marshall. 15

Netter " F. 12

Ula F. " 10

Claims for self & children

Stenographer S. A. Apple.

Choctaw MCR 5506

John W. Sealey

MCR 5506

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

In the matter of the application of John Wesley Sealey, et al., for identification as Mississippi Choctaws, M.C.R. 5506.

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

	(Page)
Original application of John Wesley Sealey, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of John Wesley Sealey, et al., for identification as Mississippi Choctaws-----	6

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, Ind. Ter., May 8, 1902.

K C - 5205 -

In the matter of the application of John Wesley Sealay
for identification of himself and his three minor children, Viola
Sealay, Herbi Sealay and Olive Sealay, as Mississippian Choctaws.

K C -

Shelton Heard, Attorney, represents Applicant.

John Wesley Sealay, after being duly sworn, testified as
follows:

Examination by the Commission.

- Q. What is your name? A. John Wesley Sealay.
- Q. How old are you? A. I am thirty-two.
- Q. What is your post-office address? A. Dougherty, Ind. Ter.
- Q. How long have you lived there? A. About six months.
- Q. Where did you live before that? A. In Texas.
- Q. Where were you born? A. In the Choctaw nation.
- Q. How long did you live there? A. Eight years.
- Q. Then you went where? A. To Texas.
- Q. Is your father living? A. Yes, sir.
- Q. Is your mother living? A. No, sir.
- Q. What is your father's name? A. James Theodor Sealay, or Jim Sealay.
- Q. What was your mother's name? A. Emma.
- Q. Emma Sealay? A. Her name was Dennis before she married.
- Q. Well, is her name Emma or Lillian, or what? A. Oh, her name was Maria Sealay.

- Q. You claim Choctaw blood through which parent? A. My mother.
- Q. How much Choctaw blood do you claim? A. My mother was one-half; I guess I am about three-eighths or one-fourth.
- Q. You claim through your mother alone? A. Yes, sir.
- Q. And you don't claim through your father at all? A. No, sir.
- Q. Well, if your mother was one-half, you would be a half of that, or one-fourth, wouldn't you? A. Yes, sir.
- Q. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians? A. No, sir.
- Q. Are you married? A. Yes, sir.
- Q. What is your wife's name? A. Minnie Sealey.
- Q. Is she a Mississippi Choctaw or a white woman? A. She is a white woman.
- Q. Is she living? A. Yes, sir.
- Q. You don't make any claim for, do you? A. No, sir.
- Q. Give me the name of your oldest child? A. Viola Sealey.
- Q. How old is she? A. Five years old.
- Q. The next one? A. Herbi Sealey.
- Q. Is it a boy? A. Yes, sir.
- Q. How old is he? A. Three years old.
- Q. Have you any others? A. Olive Sealey.
- Q. Is he a boy? A. Yes, sir.
- Q. How old? A. Two years old.
- Q. Is that all? A. That's all.
- Q. Is Minnie Sealey the mother of these children? A. She is.
- Q. Are you and your wife, Minnie, living together and are these children with you at your home? A. Yes, sir.
- Q. Were either you or your wife married before you married to each other? A. No, sir.
- Q. Have you the proof of your marriage with you? A. No, sir.
- Q. Can you furnish it to the Commission later? A. Yes, sir; I can send it.

Time will be allowed for this purpose.

- Q. Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. Not that I knew of.
- 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 either to the Choctaw tribal authorities or to the United States authorities in Indian Territory previous to the present application? A. No, sir.
- Q. Have you or your children ever been admitted to citizenship in the Choctaw nation or recognized as a Choctaw citizen by any authority whatever? A. No, sir.
- Q. Do you know come before the Commission to identify yourself and your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year, and was made for the purpose of removing as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would refuse to go to Indian Territory, and it was for the purpose of protecting those who remained in Mississippi that article fourteen was drawn up and put into the treaty.

That article reads as follows:

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

- Q. Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A. No, sir.
- Q. Give me the name of your Choctaw ancestor through whom you claim the right to identification as a Mississippi Choctaw? A. (No response.)
- Q. What kin do you go back to who lived in Mississippi in 1830? What I mean is, give me the name of some of your kin people, grandfather or grandmother or some one of your kin, who lived back there in the old Choctaw Nation in 1830? A. I don't know.
- Q. Through whom do you claim? A. My grandfather lived there I reckon.
- Q. What was his name? A. I don't know.
- Q. Give me some name-- don't you know any person related to you who lived back there in 1830? A. I don't know.
- Q. Give me the name of some person in your family who had Choctaw blood and who lived in Mississippi in 1830? A. It was on my mother's side, and Dennis is all I know.
- Q. What was her maiden name? A. That was her maiden name, she married a Sealey.
- Q. What Sealey did she marry? A. Jim Sealey.
- Q. Then the Dennison woman married Jim Sealey.
- Q. Was she your grandmother? A. Yes, sir.
- Q. Give me the names of any others you know? A. I could not tell you any others. Just Dennis, that is the only name I knew.
- Q. I thought you said Dennison. Was Maria Dennis, your mother, who married a man named Jim Sealey, is she the one you claim through? Now you are getting at it? A. Yes, sir.

- Q. Did your father, Jim Sealey, live in Mississippi in 1830, and have a family there--that was 72 years ago? A. No, my father did not.
- Q. Did his father? A. I don't know.
- Q. Did your mother's father or mother? A. I don't know.
- Q. Did your mother's mother live in Mississippi in 1830? A. I think so, though I can't recollect about it.
- Q. What was your mother's mother's name? A. I don't recollect.
- Q. You are sure your mother's mother is your ancestor who lived in Mississippi in 1830 and was the head of a family there? A. Yes, sir.
- Q. It is very unfortunate for you that you cannot remember the names of your ancestors, for it is important that you be able to give them; will you be able to supply them? A. I don't know.
- Q. Can you get any proof of what your Mother's mother's name was? A. I cannot recollect it myself.
- Q. You came before the Commission asking to be identified and made a citizen of the Choctaw Nation, to receive at least 450 acres of land, if not more, and you claim under article fourteen of the treaty of 1830, claiming that some of your ancestors lived back there and were heads of families and yet you don't give any names by which you can be identified. You see that the Commission would have a hard time of trying to identify you, if you do not give some names. You must supply this information if you expect to prevail in your application. A. From what my mother has told me they called her mother Puss.
- Q. That was your grandmother on your mother's side? A. Yes, sir.
- Q. They called her Puss, and she lived in the old Choctaw nation in Mississippi in 1830? A. Yes, sir.
- Q. How old would Puss Dennis, your grandmother, be if living now? A. I don't know.
- Q. Did any of your Choctaw ancestors own any improvements on any land in Mississippi or Alabama in 1830? A. Not that I know of.
- Q. Did any of your ancestors go within six months after the ratification of the treaty of 1830 to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay in the old Choctaw nation, take lands and become citizens of the States? A. I don't know.
- Q. You cannot tell how much Choctaw blood you claim? A. I claim about one-quarter, I guess.
- Q. Can you tell how much Choctaw blood your mother's mother had? A. She was a full blood.
- Q. Then if your mother's father had any Choctaw blood you claim part of that, too, do you? A. Yes, sir.
- Q. Did any of your Choctaw ancestors go from the old Choctaw Nation in 1830, from the old Nation east of the Mississippi River, to Choctaw nation, Indian Territory, with the other Indians who went in 1830 to 1838 and 1840? A. Not that I know of.
- Q. Do you remember hearing whether they did or not. A. I don't remember.
- Q. Did any of your Choctaw ancestors own any lands or improvements in Mississippi in 1830? A. Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go within six months after the same was ratified to the Indian Agent, Col. Ward, and tell him that they wanted to stay, take lands 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." His neglect to

make a complete record of the names who came before him caused a great many Chectaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the government at its public lands sales. This caused so many complaints among the Chectaw Indians that in 1837, on the 3rd day of March of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed by congress, by an act of August 23rd of that year; both commissions heard claimants under article fourteen of the treaty of 1830 and made lists of such names as came before them.

- Q. Did any of your Chectaw ancestors go before either of those commissions and claim benefits under article fourteen of the treaty of 1830? A. Not that I know of.
- Q. Did any of your Chectaw ancestors receive any scrip from the government which entitled them to take lands from the vacant government lands in Mississippi or Alabama in place of those taken from by the government and sold? A. Not that I know of.
- Q. Have you any relatives who have been before the Commission to be identified as Mississippi Chectaws? A. No, sir.
- Q. Are you the first one? A. I think so.
- Q. Do you speak the Chectaw language? A. No, sir.
- Q. Do you want any further time in which to introduce evidence in support of your claim? A. If it is necessary I do; but if it is not necessary I do not.
- Q. That's with you, if you are willing to risk your case on what is in, why, it is all right with me.
- Q. Do you speak the Chectaw language? A. No, sir.

Reasonable time will be allowed this applicant in which to introduce other testimony, if desired. He will be allowed until the first of June next.

This applicant has the appearance and physical characteristics of being descended from white ancestry, except that he is very dark--a rather reddish color, somewhat due to sun burn, and yet he is darker than the average white man; his hair is black, he has brown eyes, and a reddish brown complexion. He does not speak or understand the Chectaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 5, 1902; and that foregoing is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this May 9, 1902.

Charles H. Sawyer
Notary Public.

COPY.

W. L. S.
Over.

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

In the matter of the application of John Wesley Sealay, et al.,
for identification as Mississippi Choctaws, H.C.R. 5806.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John Wesley Sealay for himself and his three minor children, Viola, Norbi and Olive Sealay, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 495):

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

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

11.

-2-

son of Pass (or Pass Dennis, or Dennis), who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi in eighteen hundred and thirty.

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

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pass (or Pass Dennis, or Dennis) 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 Stat. 169) 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 John Sealey, Viola Sealey, Verbi Sealey and Olive Sealey as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty six and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHIEF Tams Birby
Acting Chairman

MEMBER F. B. Needles
Commissioner

MEMBER C. R. Breckinridge
Commissioner

Washington, Indian Territory

FEB 4 1903

COPY.

Muskogee, Indian Territory, February 4, 1903.

Shelton Heard,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Wesley Sealey, et al., applicants for identification as Mississippi Choctaws.

This application was 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 John Wesley Sealey, Viola Sealey, Herbi Sealey and Olive Sealey as Choctaw Indians entitled 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

S. H. No. 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tams Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 4, 1903.

John Wesley Sealey,
Dougherty, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Wesley Sealey, 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 Wesley Sealey, Viola Sealey, Norbi Sealey and Olive Sealey as Choctaw Indians entitled 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 on this

I. V. S. No. 2,

office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixby.

Acting Chairman.

Registered.

M.C.R. 5806.

COPY.

Muskogee, Indian Territory, February 4, 1903.

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 February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Wesley Sealey, 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 Wesley Sealey, Viola Sealey, Herbi Sealey and Olive Sealey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tam's Bixby.

Acting Chairman.

Muskogee, Indian Territory, February 18, 1903.

J. W. Sealy,
Deugherty, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that the fifteen days allowed you within which to file arguments in support of your case were not sufficient to enable you to furnish additional evidence. You enclose the affidavit of Richard Kailey.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted you within which to file arguments in support of your claim, will expire on February 19, 1903. On February 20, 1903, the record in your case, together with such arguments as may be submitted, will be forwarded to the Secretary of the Interior. He will be fully notified of your attention as may be taken by him.

The affidavit of Richard Kailey will be transmitted to the Secretary of the Interior with the record.

Respectfully,

Acting Chairman.

COPY,

Muskogee, Indian Territory, February 20, 1908.

The Honorable

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the case of John Wesley Swaley, et al., applicants to the Commission for Identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1905.

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

There is also transmitted herewith the affidavit of Richard Haley, in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

SIGNED,

James Bixby.

Through the
Commissioner of Indian Affairs.

Acting Chairman.

Enclosure: U.S.R. 5508

Land
12762-1903

(Copy)

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 John Wesley Sealey for himself and his three minor children, Viola, Harbi and Olive Sedley, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Puss or Puss Dennis or Denison 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 treaty of 1830, through Maria Sealey, nee Dennis or Denison, her daughter, mother of the principal applicant.

The Commission rejected the applicants February 4, 1903, because the name of the ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Puss, Puss Dennis or Puss Denison, and it is discovered that her name does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that she applied to the commissions appointed to adjudicate the claims of those having rights, if she had such rights, as a Choctaw Indian.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(S)

D.C.10452.1903.
I.T.D.3326-1903
LRS.

(Copy)

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of John Wesley Sealey (M.C.R.5506), for himself and his three minor children, Viola, Norbi and Olive Sealey, including your decision of February 4, 1903, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Puss (or Puss Dennis, or Denison), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

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

Respectfully,

(signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5506

COPY

Muskogee, Indian Territory, April 24, 1903.

Shelton Heard,

Attorney-at-Law,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Wesley Sealey, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNATURE)

James Birby
Chairman.

COPY

H. O. R. 6606

Muskogee, Indian Territory, April 24, 1903.

Mansfield, Maiturray & Currah,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Wesley Sealey, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

signed

James Birby

Chairman.

U.S.A. 2504

COPY

Washoe, Indian Territory, April 24, 1905.

John Wesley Sealey,
Dougherty, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the case of John Wesley Sealey, et al. of which decision you were advised by registered mail on the 4th day of February, 1905.

Respectfully,

(SIGNED)
Tama Doby,
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name John W. Sealey -

Age 32 - Blood 1/4

Post-Office, Waugherly, D. T.

Father: James T. Sealey, l

Mother: ~~James~~ Maria Sealey dClaims through mother -
wife - Minnie Sealey, w. l.No claim for ~~her~~

wife -

Children:

Viola Sealey, 5

Norbi " (M) 3

Oliver " (M) 2

Claims for sep
& children

Stenographer S.A. Apple.

Choctaw MCR 5507

Mary J. Garrett

See MCR 3447, 5508, 5509
5510, 5511, 5667, 5666

MCR 5507

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

In the matter of the application of Mary J. Garrett,
et al., for identification as Mississippi Choctaw, consolidating
the applications of

Mary J. Garrett.....	M. C. R.	2507
Bettie B. Wilson.....	M. C. R.	2447
Louis E. Garrett.....	M. C. R.	2508
Alison Garrett.....	M. C. R.	2509
Mrs J. Pender.....	M. C. R.	2510
Frank P. McNeely, et al.....	M. C. R.	2511
John H. McNeely, et al.....	M. C. R.	2507
James H. McNeely, et al.....	M. C. R.	2508

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Mary J. Garrett, et al.

Application of Mary J. Garrett for en- rollment as a citizen by blood of the Choctaw Nation.....
Affidavit of H. G. Baker.....
Affidavit of C. B. Sims.....

(2).

Decision of the Commission refusing the application of Mary J. Garrett for enrollment as a citizen by blood of the Choctaw Nation.....	5
Copy of letter of the Commission transmitting said decision.....	6
Registry receipt.....	7
Letter of Mary J. Garrett requesting the transmission of the record in the enrollment proceedings to the Secretary of the Interior.....	8
Copy of letter of the Commission addressed to Mary J. Garrett, Atoka, Indian Territory, giving notice of permission to submit additional testimony.....	9
Registry receipt.....	11
Copy of letter of the Commission addressed to Mary J. Garrett, Atoka, Indian Territory, requesting additional testimony.....	12
Registry receipt.....	14
Written petition of Mary J. Garrett.....	15
Affidavit of Richard Gilbert.....	17
Affidavit of Dalilah Gilbert.....	18
Original application of Mary J. Garrett to the Dawes Commission for identification as a Mississippi Choctaw.....	20
Original application of Bettie B. Wilson to the Dawes Commission for identification as a Mississippi Choctaw.....	25
Testimony of Mary J. Garrett.....	28
Affidavit of R. C. Gilbert.....	31
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(3).

Decision of the Commission refusing the application of Lewis Garrett for enrollment as a citizen by blood of the Choctaw Nation.....	34
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Letter of Lewis Garrett to the Commission asking for the transmission of the record in the enrollment proceedings to the Secretary of the Interior for consideration....	37
Copy of letter of the Commission addressed to Lewis Garrett, Atoka, Indian Territory, giving notice of permission to submit further testimony.....	38
Registry receipt.....	40
Copy of letter of the Commission addressed to Lewis H. Garrett, Atoka, Indian Territory, giving notice of thirty days time within which to submit further testimony.....	41
Affidavit of Lewis H. Garrett.....	43
Affidavit of Mary J. Garrett.....	44
Affidavit of Richard Colbert.....	45
Affidavit of Delilah Colbert.....	46
Original application of Lewis H. Garrett to the Howe Commission for identification as a Mississippi Choctaw.....	48
Application of Althena Garrett for enrollment as a citizen by blood of the Choctaw Nation.....	54
Decision of the Commission refusing the application of Althena Garrett for enrollment as a citizen by blood of the Choctaw Nation.....	56
Copy of letter of the Commission transmitting said decision.....	57

Registry receipt.....	58
Letter of Arthur V. Garrett requesting the transmission of the record in enroll- ment proceedings to the Secretary of the Interior.....	59
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 2, 1900.

In the Matter of the Application of :
Mary J. Garrett et al, for Enrollment:
as citizens of the Chectaw Nation. : Chee-R.-557.

Mary J. Garrett, being first duly sworn, by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A Mary J. Garrett.
Q How old are you? A 48 years.
Q What is your postoffice address? A Atoka, I. T.
Q Do you live at Atoka? A Within 3 miles.
Q How long have you lived in the Ind. Ter.? A My husband moved to
the Territory 6 years ago and staid a short while and went to Ft.
Smith for medical treatment; when he died I moved back here.
I have been here since Dec. 28, 1898.
Q You never lived here for any length of time prior to Dec. 28, '98?
A No sir.
Q You make application as a Chectaw by blood? A Yes sir.
Q What is the name of your father? A John Harper.
Q Is he living? A No sir.
Q Is he a citizen of the U. S. or an Indian? A Citizen of the U.S.
Q What is the name of your mother? A Betty Harper.
Q Is she living? A No sir.
Q Was she a citizen of the U. S. or a Chectaw Indian? A Chectaw
Indian.
Q How much Chectaw blood did she have? A One-half.
Q Was her name ever on the Chectaw tribal rolls? A No, I don't
think it was from the fact that when they was making up the rolls
my father took her from where they lived and went to Alabama; that is
what he said and what she said.
Q Where were you born? A Tennessee.
Q Where did you live before the came to the Territory? A I lived
in Arkansas awhile. I lived most of my life in Mississippi. My
father moved from Alabama to Mississippi in '41.
Q Did you move with your father? A Yes, I was a very small kid when we
left there.
Q How many years did you live in Arkansas? A 5 years.
Q What county in the Chectaw Nation did your mother claim to belong to?
A She never lived here at all.
Q What proportion of Chectaw blood have you in your veins? A I guess
about a quarter; she was half.
Q Did you ever apply to the Chectaw tribal authorities for entell-
ment as a Chectaw Indian by blood? A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q This is the first application you have ever made? A I employed a
lawyer to apply for me, but he didn't do it.
Q What year was that? A '96.
Q But the lawyer didn't make the application? A No, if he did, I
didn't ever hear from it.
Q Are you married? A No, my husband is dead.
Q You have been married? A Yes sir.
Q Have you any children under 21 years of age, and unmarried? A No.
Q You are simply making application for yourself? A Myself and
children living with me. But they are of age.
Q Is there any additional statement you would like to make in regard
to your case at this time? A I don't know that there is.
Q Have you any papers you would like to file? A No sir.
Q You will be permitted to o for evidence in the form of statements,

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, T. Ter. May 6, 1902.

K C - 3507 -

In the matter of the application of Mary J. Garrett for
identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Mary J. Garrett having been first duly sworn testified
as follows:

Examination by the Commission.

- Q. What is your name? A. Mary J. Garrett.
- Q. How old are you? A. I am sixty-nine years old.
- Q. What is your post-office? A. Atoka, Ind. Ter.
- Q. How long have you lived there? A. I came there in 1894.
- Q. Will you make application just for yourself? A. Yes, sir.
- Q. Where did you live before you lived at Atoka? A. Ft. Smith,
Arkansas.
- Q. How long did you live in Arkansas? A. Something over four
years.
- Q. Where did you live before you came to Arkansas? A. In Missis-
sippi.
- Q. Did you always live in Mississippi before that time? A. Yes, sir.
- Q. Is your father living? A. No, sir.
- Q. Is your mother living? A. No, sir.
- Q. What is your father's name? A. John Harper.
- Q. And your mother's name? A. Her maiden name was Lettie Baylis.
- Q. Did she marry again after your father died? A. No, sir.

- 2-
- Q. Through which parent do you claim Choctaw blood? A. My mother.
- Q. How much Choctaw blood do you claim? A. I don't know exactly; I am told that my grandmother was a full blood, and some say she was only a half blood. I cannot say positively, but my mother was either a quarter a half blood; I don't know which.
- Q. Was your mother ever recognized in any way or enrolled as a citizen of the Choctaw Nation in Indian Territory? A. No, that I know of.
- Q. And were you or your mother ever enrolled on the tribal rolls of the Choctaw Nation by either the tribal authorities or the United States authorities or the United States court in Indian Territory? A. No, not that I know of.
- Q. Have you any married children now living? A. I have three.
- Q. Is your husband living? A. No, sir.
- Q. What was his name? A. Jesse C. Garrett.
- Q. Is your father living? A. No, sir.
- Q. Is Jesse C. Garrett the father of these children who are present here to-day? A. Yes, he is the father of these two. I have been married three times.
- Q. Give me the names of your three husbands; what was the name of third one? A. Jesse C. Garrett was my third husband.
- Q. Did he have any Choctaw blood? A. He did not. He had some Cherokee blood.
- Q. He was white and Cherokee; was he? A. Yes, sir.
- Q. Will you give me the name of your second husband? A. J. W. Pender.
- Q. Did he have any Indian blood? A. No, he was a white man, of French descent.
- Q. What was your first husband's name? A. Jesse McNeely.
- Q. Are your second and first husbands dead? A. Yes, sir.
- Q. Was Jesse McNeely a white man, too? A. Yes, sir.
- Q. You have children which are married by these three husbands, have you? A. Yes, sir.
- Q. You now want to make application for yourself alone? A. Yes, sir.
- Q. And you have no minor children? 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 to the Choctaw tribal authorities in Indian Territory or to the United States 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; that is, six years ago? A. I did through my lawyer, I had my case in the hands of an attorney.
- Q. So then you did not as a matter of fact come before the Dawes Commission in 1896? A. No, sir.
- Q. When was it after that you did come before the Dawes Commission? A. It was two years ago, in June or August at Atoka.
- Q. Who is Mrs. Eva Pender? A. My daughter--it should be Miss Eva Pender.
- Q. She did the correspondence with the Commission for you, did she? A. Yes, sir.
- Q. Have you any attorney now? A. No, sir.
- Q. You made application for enrollment, did you, Mrs. Garrett, at Atoka, Indian Territory, in 1900? A. Yes, sir.
- Q. What was done with that application? A. It was filed here. You told me when you were at Atoka that you would write to me. I received a letter from the Commission some time afterwards, and it read as follows:

Mrs. Mary J. Garrett,
Atoka, Indian Territory.

Dear Madam:

There is inclosed you herewith the decision of the Commission refusing the application made by you for enrollment as a citizen by blood of the Choctaw Nation, before the Commission, at Atoka, Indian Territory, June 8th, 1900."

- Q. That says your application was rejected, doesn't it? A. Yes.
- Q. Do you remember getting that letter? A. Yes, sir.
- Q. You were also notified that the case had been sent to the Secretary of the Interior for his review, were n't you? A. Yes, sir.
- Q. Do you know whether any action has been taken on it? A. Not that I know of. They said it was filed.
- Q. How you want the record and evidence in that case, the application of which was taken at Atoka, Indian Territory, June 8, 1900, and here referred to as No. R-557, to be transferred to the present application and have it considered together as the evidence in this application? A. Yes, sir.
- Q. You made application at Atoka as a citizen by blood, but you now make application as a Mississippi Choctaw? A. Yes, sir.
- Q. You also made a sworn statement on the 31st day of March, 1902? A. Yes, sir.
- Q. You also presented the sworn statement of Richard Colbert on the 31st day of March, 1902? A. Yes, sir.
- Q. Also you presented the sworn statement of Delilah Colbert on the 29th day of March, 1902? A. Yes, sir.
- Q. You want these affidavits now made a part of the record in this case, did you? A. Yes, sir.

The affidavit of Mary J. Garrett is here referred to, and marked "Exhibit A", and made a part of the record in this case.

The affidavit of Richard Colbert, marked "Exhibit B", is received, filed and made a part of the record in this case.

Also the sworn statement of Delilah Colbert, marked "Exhibit C", is received, filed and made a part of the record in this case.

- Q. Have you or any of your children ever been recognized or admitted to citizenship by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to identify yourself under article 14 of the treaty of 1830? A. Yes, sir.
- Q. You claim the right to be identified as a Mississippi Choctaw, entitled to rights under article 14 of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I think I do, a portion of it.
- Q. Would you like to have it explained farther? A. Yes, sir.

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The treaty of 1830 was a treaty entered into between the United States government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, for the purpose of removing as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians refused to go, and in order to protect those Choctaws who remained in Mississippi and Alabama article fourteen was drawn up and put into the treaty of 1830. It was afterwards signed and ratified on the 24th day of February, 1831.

Article fourteen 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 of that quantity for each unmarried child which is living with him over ten years of age and a quarter 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. Who is your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. My mother's mother.
- Q. What was her name? A. Her maiden name was Mary Folsom.
- Q. Whom did she marry? A. Nat Hall.
- Q. Was he a white man? A. Yes, he was white.
- Q. How much Choctaw blood did Mary Folsom have? A. Some said she was a full blood and some said she was only a half blood. I don't know.
- Q. How old would she be if living now? A. I can't tell, but she would be very old.
- Q. Did she live in Mississippi in 1830? A. She did.
- Q. Was she the head of a family there then? A. She was.
- Q. You claim through your mother? A. I do.
- Q. Did she ever live in Mississippi or Alabama in 1830? A. She married my father in Mississippi.
- Q. Was she born in Mississippi? A. I presume so. I don't know.
- Q. Where did she live throughout her life? A. In Mississippi part of the time. I was born in Tennessee; my father had moved from Mississippi to Tennessee.
- Q. When and where were you born? A. I was born in 1838 in Shelby county, Tennessee. My father moved to Alabama in 1848 and afterwards to Mississippi. He lived and died there.
- Q. Now, Mary F. Folsom was what kin to you? A. My grandmother.
- Q. She lived in Mississippi in 1830 was the head of a family there?

A. Yes, sir.

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- Q. Did your mother live in Mississippi in 1830 and have a family there? A. She lived there and was married there, but had no family there. She moved to Tennessee in 1831 and in 1832 I was born, and then we moved back to Mississippi in 1832, and then lived in Arkansas a while, and in 1838 moved to Alabama.
- Q. Did any of your ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A. My mother's brothers lived there and had lands.
- Q. How about your immediate ancestors? A. My grandfather died there.
- Q. Did any of your ancestors within six months after the ratification of the treaty of 1830, go to Col. Ward the U. S. Indian Agent/ and tell him they wanted to stay, take lands and become citizens of the States? A. I cannot say.
- Q. Did any of them go from that old Choctaw Nation east of the Mississippi River with other Indians to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. My grandmother's relation, the Folsoms, come off with the Indians at that time, but none of my direct ancestors did.
- Q. Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama under article 14 of the treaty of 1830? I suppose my grandfather, Wat Hale, did.
- Q. Was he a white man or an Indian? He was a white man.

The Indians who stayed back in Mississippi after the treaty was ratified were required, if they wanted to take advantage of the provisions of article 14 of the treaty of 1830, to go to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty, and tell him they wanted to stay, take lands 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". His neglect to make a proper and complete record of all who came before him caused a good many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them by the Government and sold; this caused a good many complaints among the Choctaw Indians, so that in 1837, by an act of Congress of March 3rd of that year, a commission was appointed and sent to Mississippi to hear claimants under article 14 of the treaty of 1830. In 1842 another commission was appointed by congress for the same purpose. Both commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830 and made a record of the names who came before them.

- Q. Do you know if any of your ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article 14 of the treaty of 1830? A. I don't know. It is a supposition of mine that in 1836 or 1837 my father did. I think he went before one of them, for when he was in Alabama he bought a great deal of town property in Lexington, Alabama. My mother must have procured money or something from the government. He was a poor man before he went there, and I think that my mother got something from the government.
- Q. Where did you get that information? A. From my mother. She said the property belonged to her, being bought with her money, but it was all sold to satisfy a security debt.
- Q. Can you tell anything about the land that your father had? A. It was somewhere not far from the Tallahatchie River. I don't know when it was exactly that they got the land.

- Q. Did any of your ancestors receive any scrip from the Government as Choctaw Indians who had had lands taken from them by the government and sold, which scrip entitled them to select other lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas in place of that which had been taken from them and sold? A. I only suppose my mother took scrip property. I don't know for certain.
- Q. What other evidence have you of that fact? A. I know that my father was poor, and that he bought two business houses and other property, and I don't know how he could have gotten it unless from the government. I just suppose that mother received it.
- Q. Have you any relatives who have been before the Dawes Commission to be identified as Mississippi Choctaws? A. I don't know that I have.
- Q. You cannot give the names of any? A. No, sir.
- Q. Do you speak the Choctaw language? A. No, sir. My mother could speak it, and my grandmother could speak it fluently.
- Q. Have you any other evidence you want to introduce now? A. I have a witness.
- Q. The witnesses are to be here in all your cases, are they not? A. Yes, sir.
- Q. Would it not be better to wait until the applications of your children all are in and then have the witnesses testify? A. I guess so. I have been trying to get some witnesses who are in Mississippi, but have not been able to get them yet.
- Q. Do you care for further time in which to introduce evidence in support of this application? A. Yes, I want to get those witnesses in Mississippi, if I can.

Twenty-five days will be allowed in which to introduce evidence in support of this application, if desired.

This applicant has the appearance and physical characteristics of being descended from white parents; she has blue eyes, dark complexion and dark brown hair, it being now gray or almost gray. She does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 8, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 12th day of May, 1902.

Charles H. Sawyer
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 8th/1902.

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In the matter of the applications for identification as
Mississippi Choctaws of

Mary J. Garrett,	M C R 5507
Lewis H. Garrett,	" 5508
Althea Garrett,	" 5509
Eva J. Pender,	" 5510
Frank P. McKeely, et al.,	" 5511
Bettie B. Wilson,	" 5447.

E. F. Hanten, a witness in the above mentioned cases,
being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A E. F. Hanten.
- Q What is your age? A Fifty-six.
- Q What is your post office address? A Atoka.
- Q How long have you lived at Atoka? A I have been at Atoka a little over a year.
- Q Are you a member of the Choctaw tribe of Indians? A No sir, Mississippi Choctaw.
- Q You have made application as a Mississippi Choctaw? A Yes sir.
- Q Where did you make application as a Mississippi Choctaw?
A Meridian.
- Q When did you make application there? A April 3rd, 1901.
- Q Do you know these parties: Bettie B. Wilson, Mary J. Garrett, Lewis H. Garrett, Althea Garrett and Eva J. Pender?
A Yes sir.
- Q Will you testify to whatever you know of their having Choctaw blood? A Couldn't do it. I have always heard so, always understood that they did.
- Q How long have you known them all? A I have known the Hales and Harpers since I was a small boy.
- Q Did you come before the Commission to-day to testify as to their Choctaw blood or as to any other point in particular of their application? A No, no particular point--that I had always understood that they are Choctaws.
- Q How do you get your information of that fact? A By being mixed with them.
- Q By being well acquainted with them? A Yes sir.

- Q And being in the same community? A Yes sir, and always understood it to be so.
- Q You knew of their Choctaw blood then through the general report in the community and what they say and people say? A Yes sir, and old John Parson Hale.
- Q Who was he? A Why, he was an uncle of them.
- Q He was the uncle of Mary Hale? A No, he was the brother of Bettie Hale.
- Q How related to the applicant Mary J. Garrett? A Mrs. Garrett was the daughter of Mrs. Harper as I understand; I always heard it proclaimed that.
- Q How much like a Choctaw did he look? A They was always supposed to be one-half blood; I don't know, but I always supposed that they was one-half bloods and always recognized as that among the Choctaws. Some claimed that they was full and some half; I don't know just exactly, but old man John I frequently talked with him and well acquainted with him; but William Hale was a preacher and frequently preached among the Choctaws there, and I couldn't say what kind of blood he contained.
- Q Your knowledge comes to you just that way? A Yes sir.
- Q Do you know anything about their ancestors having lived in Mississippi in 1830? A No sir.
- Q Well I didn't know but old John Hale said something about that?
- A Well, I have frequently heard him and my mother talking; she spoke the Choctaw.
- Q Who do you mean? A My mother.
- Q And you have heard John Hale speak Choctaw? A Yes.
- Q Do you understand Choctaw? A Some, not much; I used to better than I do now; dropped off being away from the Choctaws.
- Q You say you heard him say he came from Mississippi?
- A I never knew him anywheres else.
- Q When did he come here? A He never come here.
- Q How old was he when you knew him? A Up in the 70s; 60 or 70 years old; probably more than that the last time I seen him.
- Q He would be over ninety if living now? A I expect so. I don't think he is living; I have not any tally of it.
- Q How much Choctaw blood did he have? A He showed the blood as half blood or more; you know how that is; it frequently crosses a person's mind that a persons has more blood than they have; some take after one side of the house, and some the other.
- Q Is there anything more that you think of that you want to testify to? A No, nothing that I know of in particular.
- Q Do you know whether John Hale or any of the ancestors of these applicants, Nat Hale or Mary Fulson who married him, or any of their Choctaw ancestors or relatives, owned any land in the old Choctaw Nation in Mississippi? A Well, I could answer that in this way: Old man John Hale had land there that he thought, like a great many others, he had a right to and that he had get it from the government as Choctaw land and lived upon it; now, I frequently heard him make this statement. We also lost land the same way--my mother did--we lived upon it a great long while and finally they took it away from us, and I think John lost his'n that way. As far as William is concerned I don't know but the old Aunt Bettie Hale place; old man John Hale had land in the same way. I know that was the case for I have often

75.

- heard of this farm near the old Bettie Hale place and they lost it.
- Q Do you know whether Nat Hale or his wife Mary held land there that way? A No sir.
- Q Did you know Nat Hale? A No sir, he passed out before my recollection; frequently heard him spoken of but I think he passed out; I am pretty sure that I never saw him.
- Q Do you know whether any of the ancestors of these applicants complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1850? A Well, I suppose yes, that Bettie Hale or Bettie Harper in other words, or her and John Hale and William all I understand did, by hearing my mother talk.
- Q How were they related to Mary Hale? A Which?
- Q Well Mary Hale is the ancestor of these applicants and Married Nat Hale? A She was Mary Fulson; well, that's before----
- Q You don't know much about them? A No sir.
- Q Well now these others you mentioned as receiving land--when did they get it? What was their time compared with yours? So that you would know anything about them? A They had held possession of it for a number of years.
- Q When did you know them? A Oh, about fifty; when I was a small boy; I was born in '44.
- Q Well what you know then is of the younger generation? No answer
- Q You don't know anything about the treaty of 1850? A No sir.
- Q And you can't go back far enough to say anything about Nat Hale and his wife Mary? A No sir, I have heard them talked of but know nothing direct--just indirect information. My impression was that old aunt Mary Fulson was full blood.
- Q Did you know her? A Oh, no, my mother did.

Witness excused.

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 5th day of May, 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.

Subscribed and sworn to before me this 14th day of May, 1902.


Charles H. Sawyer
Notary Public.

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

In the matter of the application of Mary J. Garrett for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Mary J. Garrett, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant had not removed to the Indian Territory in compliance with the act of June 28th, 1896, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as a citizen by blood of the Choctaw Nation of Mary J. Garrett is therefore hereby refused.

BY THE COMMISSION.


Acting Chairman.

Atokagee, Indian Territory, August 30, 1900.

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

*C.M. M.
C.O.W.*

In the matter of the application of Mary J. Garrett,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Mary J. Garrett.....	M.C.R.	5007
Bettie B. Wilson.....	M.C.R.	5047
Louis K. Garrett.....	M.C.R.	5000
Altham Garrett.....	M.C.R.	5009
Drs J. Funder.....	M.C.R.	5016
Frank P. McNeely, et al.....	M.C.R.	5012
John H. McNeely, et al.....	M.C.R.	5005
James B. McNeely, et al.....	M.C.R.	5006

-1 D E C I S I O N -1-

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commission by Mary J. Garrett for herself; by Bettie B. Wilson for herself; by Louis K. Garrett for himself; by Altham Garrett for himself; by Drs J. Funder for herself; by Frank P. McNeely for himself and his eight minor children, James B., Willie B., James B., Frank A., Bettie B., Barbara A., Frank P. Mrs., and Mary V. B. McNeely; by

(3).

John M. McNeely for himself and his three minor children, James S., Frank T. and Otis McNeely; and by James N. McNeely for himself and his three minor children, John Thornton, Mary A. and Theodore McNeely; under the following provision of the act of Congress approved June 25, 1890, (26 Stats., 495):

"Said Commission shall have authority to determine the identity of Cheatew Indians claiming rights in the Cheatew lands under article fourteen of the treaty between the United States and the Cheatew Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Cheatew lands under article fourteen of the treaty between the United States and the Cheatew Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Hale (nee Fulson or Fulson), who is alleged to have been a halfblood Cheatew Indian, and to have resided in Mississippi in eighteen hundred and thirty.

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

(3).

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, 1899, (30 Stat., 381).

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 Mary Hale (nee Wilson or Wilson), 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, 1857, (9 Stat., 183), and August 23, 1848, (9 Stat., 815).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary F. Garrett, Dettie B. Wilson, Lewis N. Garrett, Althen Garrett, Eva J. Fender, Frank F. McNeely, Jessie K. McNeely, Willie K. McNeely, James S. McNeely, Joseph A. McNeely, Estie K. McNeely, Barbara A. McNeely, Frank F. McNeely Jr., Mary V. E. McNeely, John K. McNeely, Jesse K. McNeely, Frank E. McNeely, Etta McNeely, Jesse B. McNeely,

(4).

John Sherman Kennedy, Mary A. Kennedy and Theodore Kennedy of their
own Indian entitled to rights in the Indian lands under the provision
of said article fourteen of the treaty of eighteen hundred and
thirty, and that the applications for their identification as such
should be allowed, and it is so ordered.

APPROVED TO THE FIVE CIVILIAN BOARD

(SIGNED) Terms Dixby

John Sherman Kennedy

(SIGNED) T. B. Needles

John Sherman Kennedy

(SIGNED) C. R. Breckenridge

John Sherman Kennedy

Washington, Indian Territory,

OCT 10 1902

Mustoge, Indian Territory.

September, 5th, 1908.

Mary J. Garrett,

Care of Wells & Chambers,

Attorneys-at-law,

Atoka, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter of the 3rd instant, enclosing the affidavits of R. O. Tolbert and G. R. Giles, in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, and the same has been filed with the records in this case for transmittal to the Secretary of the Interior, when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

In answering this letter

please refer to V-2-557.

Muskogee, Indian Territory, September 12, 1909

Mary J. Garrett,

Atoka, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of the 10th instant in the matter of the application for enrollment as citizens of the Cherokee Nation of yourself and your two children, Lewis and Althea Garrett and in which you request that the records of these cases be forwarded to the Honorable Secretary of the Interior for his consideration.

You are informed that the record in your case and in the case of your son Lewis and your daughter Althea are separate and distinct and it will be necessary in these three cases for each of you to forward to this Commission a request stating that you desire the records of the Commission forwarded to the Secretary of the Interior for his consideration.

Yours truly,

7-11-09

Acting Chairman.

Mustagee, Indian Territory, September 21, 1900.

Mary J. Garrett,

Atoka, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 19th inst., in which you request that the papers in your case as an applicant for enrollment as a citizen by blood 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 so 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.

7-2-557

Kuskages, Indian Territory, January 5, 1901.

Mary J. Corbett,

Atoka, Indian Territory.

Dear Madam:

The Commission is in receipt of your affidavit offered by you for filing in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, and the same is returned to you herewith, for the reason that a decision has been rendered in your case, refusing your application, a copy of such decision having been mailed you on September 1st, 1900, and therefore the records of the Commission as far as your name is concerned, are closed.

Yours truly,

Acting Chairman.

1-2-01

Muskogee, Indian Territory, March 31, 1901.

Mrs. Mary J. Garritt,
 Atoka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant in which you desire to be informed what disposition has been made of the evidence of G. R. Giles and Richard Colbert, taken by J. H. Chambers, in July, 1900 and also the affidavit of Delila Colbert. You also desire to know if your case has been sent to the Secretary of the Interior.

Replying to your letter you are informed, that there are on file with the other papers in the matter of your application for enrollment as a citizen of the Choctaw Nations, the affidavits of G. R. Giles and R. U. Colbert, sworn to before J. H. Chambers, July 22nd, 1900. There is no record of an affidavit of Delila Colbert having been offered in support of your application.

On September 30th, 1900, the Commission received a letter from you requesting that the record in your case be forwarded to the Secretary. Your request was duly filed with the other papers in the case and the record so made will be forwarded to the Secretary of the Interior at the proper time.

Yours truly,

Choctaw R 857
Choctaw R 857

Muskogee, Indian Territory, April 26, 1902.

Mrs. Eva Pender,

Choctaw, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, referring to our letter of April 10, 1902, in which you were notified that you would be allowed thirty days from that date within which to appear before the Commission for the purpose of making application for identification as a Mississippi Choctaw.

You state that your mother, Mary J. Garrett, is now in correspondence with some persons who knew her in Mississippi whose testimony she is desirous of obtaining in support of her and your applications for identification as Mississippi Choctaws and you now request that the time be indefinitely extended so that your mother may have sufficient opportunity to secure the testimony of such witnesses.

In reply to your request you are advised that if at the expiration of the thirty days time designated in our letters of April 9th and 10th, 1902, no personal appearance is made by you as applicants to this Commission for identification as Mississippi Choctaws, it will be the presumption

of the Commission that it is not your intention to further prosecute such rights as you may have as Mississippi Choctaws and the Commission will then proceed to render its decisions as to your rights to enrollment as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

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M C R 8807

Washoe, Indian Territory, October 10, 1902.

Mary J. Garrett,

Atoka, Indian Territory.

Dear Madam:

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

Mary J. Garrett,	M C R 8807
Bettie B. Wilson,	M C R 8447
Lewis H. Garrett,	M C R 8808
Althea Garrett,	M C R 8809
Eva J. Pender,	M C R 8810
Frank P. McNeely et al.,	M C R 8811
John M. McNeely et al.,	M C R 8867
Jesse B. McNeely et al.,	M C R 8868.

These applications were made under the provision of the act of Congress of June 20, 1900 (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."

N J 0 3

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althen Garrett, Eva J. Pender, Frank P. McWeely, Jessie M. McWeely, Willie M. McWeely, James S. McWeely, Joseph A. McWeely, Eddie M. McWeely, Barbara A. McWeely, Frank P. McWeely, Jr., Mary V. B. McWeely, John H. McWeely, James S. McWeely, Frank T. McWeely, Otis McWeely, James S. McWeely, John Thornton McWeely, Mary A. McWeely and Theodore McWeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

T. S. Woodlee.
Commissioner in Charge.

registered.

Mustang, Indian Territory, October 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary J. Garrett et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 10, 1902.

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

Mary J. Garrett,	M C R 5807
Bettie B. Wilson,	M C R 5847
Lewis H. Garrett,	M C R 5808
Althen Garrett,	M C R 5809
Eva J. Hunter,	M C R 5810
Frank P. McNeely et al.,	M C R 5811
John E. McNeely et al.,	M C R 5807
James B. McNeely et al.,	M C R 5808.

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

letters being attached to the record.

Respectfully,

(SIGNED),

I. B. Needles,
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
1 inclosure.

Muskogee, Indian Territory, October 10, 1902.

Mansfield, McHurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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

Mary J. Garrett,	M C R 5507
Bettie B. Wilson,	M C R 3447
Lewis H. Garrett,	M C R 5508
Altham Garrett,	M C R 5509
Eva J. Pender,	M C R 5510
Frank P. McKeely et al.,	M C R 5511
John M. McKeely et al.,	M C R 5507
Jeane B. McKeely et al.,	M C R 5506.

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 492) which is as follows:

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

M McM & C 2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althea Garrett, Eva J. Pender, Frank P. McNeely, Jessie M. McNeely, Willie H. McNeely, James S. McNeely, Joseph A. McNeely, Eddie H. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John M. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse H. McNeely, John Thornton McNeely, Mary A. McNeely and Theodore McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge.

R^ogistered.

Land.
61,055-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Dec. 5, 1902.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Mary J. Garrett for herself; Bettie B. Wilson for herself; Lewis H. Garrett for himself; Althea Garrett for herself; Eva J. Pender for herself; Frank P. McNeely for himself and his eight minor children, Jessie M., Willie M., James S., Joseph A., Eddie M., Barbara A., Frank P. Jr., and Mary V.B. McNeely; John E. McNeely for himself and his three minor children, Jesse S., Frank T. and Otis McNeely; Jesse B. McNeely for himself and his three minor children, John Thornton, Mary A. and Theodore McNeely, wherein a decision adverse to the applicants was rendered by the Commission on October 16, 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 Mary (Folsom) Hale and Betty (Hale) Harper, who, they claim were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of

the making of the Choctaw treaty of 1830.

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

An examination has been made of the records of this office with reference to the names of the 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,

(E.B.H.)
P.

W.A. Jones,
Commissioner.

D.C.No. 4863-1903.

DEPARTMENT OF THE INTERIOR.

J.V.H.
JHN.

WASHINGTON.

I.T.D. 7324-1903.

February 12, 1903.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 10, 1902 you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Mary J. Garrett (M.C.R. 5507), Bettie B. Wilson, Lewis H. Garrett, Althea Garrett, Eva J. Pender, Frank P. McNeely, Jessie M. McNeely, Willie M. McNeely, James S. McNeely, Joseph A. McNeely, Eddie M. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John M. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse B. McNeely, John Thornton McNeely, Mary A. McNeely and Theodore McNeely, including your decision of the same date refusing to identify them as such.

Applicants Mary J. Gerrett and Bettie B. Wilson, through whom the others claim, are sisters. Originally they came from Mississippi. The former was born in 1838 in Shelby county, Tennessee. The family home, however, appears

to have been near Rocky Ford, Lafayette county, Mississippi. The mother of these sisters was Bettie Hale, who was born in 1808. She was married in 1830 to one John Harper. Her mother was a Mrs. Nat Hale, formerly Mary Folsom, a half blood Choctaw, who also lived in Mississippi in 1830. The testimony of Mary J. Garrett shows that her parents owned land near Tallahatchie River, which she thinks was "scrip property;" she admits, however, that she "Don't know for certain" that such was the case. The affidavit of Belimah Colbert, 107 years of age, contains this statement:

"I know that some of the Hale family took land in Mississippi in compliance with the 14th article of the treaty of 1830".

It is noted that said affidavit does not show that the members of "the Hale family" to whom she refers were the ancestors of these applicants.

The testimony of R. F. Henton, aged 56, also tends to show that the Hale family received land from the government; it does not show, however, that under provision of law they were beneficiaries thereof.

It further appears that the records in your possession, as well as those at the Indian Office, fail to

show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article 14 of said treaty of 1830.

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

Reporting in the matter December 5, 1902, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs therein, and your decision is accordingly affirmed.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 8507

COPY

Muskogee, Indian Territory, February 24, 1903.

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

Gentlemen:

You are hereby notified that on the 12th 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 Mary J. Garrett, et al., of which decision you were advised by mail on the 10th day of October, 1902.

Respectfully,

Tamm D. D.

Chairman.

M.C.R. 2507

COPY.

Muskogee, Indian Territory, February 24, 1903.

Mary J. Garrett,

Atoka, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th 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 Mary J. Garrett, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

Mary Tolson 1/2 or full
married
Nat Hale

Bettie Hale 1/4 or 1/2
married
John Harper

mb R 501
Mary J Harper 69-
married

Jessie McNeely diau
J.W. Pender diau
Jessie C. Garrett diau

mb R 3447
Bettie B Harper 47 1/4
married
Jasper C Wilson

mb R 551
Frank P. McNeely 49 1/8
wife
Celeo McNeely

mb R 567
John M McNeely 47 1/8
wife
Addie McNeely, w.
mb R 566
Jessie B McNeely 44 1/8
married
Ida Collier, w.
mb R 5510
Eva Pender 38 1/8

mb R 5509
Althea Garrett 28 1/8

mb R 5508
Lewis H Garrett 25 1/8

mb R 5511
Jessie M. McNeely 20
Althea M. McNeely 17
James C. McNeely 14
Joseph A. McNeely 12
Eddie M. McNeely 11
Barbara S. McNeely 8
Francis P. McNeely 6
Mary V.P. McNeely 17 m

mb R 5512
Jessie S. McNeely 18
Frank S. McNeely 15
Otha McNeely 4
mb R 5513
John Thornton McNeely 13
Mary A McNeely 7
Theodore McNeely 8 m

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Mary J. Garrett.

Age 69 Blood Don't know.

Post-Office, Atoka, I.T.

Father: John Harper - d.

Mother: Bettie " d.

Claims through mother

Husband (3) Jane C. Garrett, d.w

Husband (2) J.W. Pender, w(d) and Cherokee

Husband (1) Jane McNeely, w

Children: (no minors).

claim for self
alone

Stenographer S.A. Apple

Choctaw MCR 5508

Lewis H. Garrett

See MCR 5507

MCR 5508

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

In the matter of the application of Lewis Garrett for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Lewis Garrett, appeared before the Commission at Colbert, Indian Territory, June 11th, 1900 and from his oral testimony given at that time on behalf of his claim for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant had not removed to the Indian Territory in compliance with the act of June 28th, 1898 (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as a citizen by blood of the Choctaw Nation of ~~_____~~ Garrett is therefore hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, August 20, 1900.

Commission to the Five Civilized Tribes,
Solbert, I.T., June 11th, 1900.

R 564

In the matter of the application of Lewis Garrett for enrollment as a citizen of the Choctaw Nation; being sworn and examined by Acting Chairman Bixby, he testifies as follows:

- Q What is your name? A Lewis Garrett.
- Q How old are you? A Twenty-two.
- Q What is your post-office address? A Atoka, I.T.
- Q How long have you lived at Atoka? A I have lived there since January 1899.
- Q You first came to the Territory in January 1898? A I had been in the Territory once before that, about four months; moved to the Territory with my parents, and my father's health got so bad he moved to Fort Smith, Arkansas for his treatment; that was about six years ago; that was the first time I had ever been to the Territory.
- Q Where had you lived? A In Mississippi.
- Q Where were you born? A In Mississippi.
- Q Lived the principal part of your life in Mississippi? A Yes sir.
- Q You claim to be a Choctaw by blood? A Yes sir.
- Q What is the name of your father? A Jesse Garrett.
- Q Is he living? A No sir.
- Q Was he a Choctaw Indian? A No sir. He was a white man. He was part Cherokee.
- Q What is the name of your mother? A Mary.
- Q Is she living? A Yes sir.
- Q Is she a Choctaw Indian? A Yes sir.
- Q What proportion of Choctaw blood runs in her veins? A One-fourth.
- Q Is her name on the Choctaw rolls? A No sir.
- Q Has she ever been recognized by the Choctaw Tribal authorities? A Not that I know of.
- Q Where does she live? A In Atoka; she has lived there since December; she came on the cars in December and I brought some stock in January.
- Q What county in the Choctaw Nation do you claim to belong to? A Atoka County.
- Q Has your name ever been on the Choctaw rolls? A No sir.
- Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw by blood? A In 1898 I paid an attorney to make application for citizenship and took a receipt for it, and he failed to put the case before the Dawes Commission. (Witness exhibits receipt here referred to.)
- Q I have never been before the Dawes Commission.
- Q The question I asked you was if you had ever made application to the Tribal authorities? A No sir.
- Q And you didn't make application to the Dawes Commission in 1898? A No sir.
- Q Are you married? A No sir.
- Q What proportion of Choctaw blood do you claim to have? A One-eighth sir I suppose it is about one-eighth; my mother was one-fourth.
- Q You claim to belong to Atoka County? A Yes sir.
- Q Is there any additional statement you would like to make in regard to your case? A No sir, not that I know of.
- Q Any papers do you would like to file? A No sir, not now.
- Acting Chairman Bixby: You will be permitted to file any additional evidence in the form of statements, affidavits or

Lewis Garrett #2

other proper papers that you may desire to present.

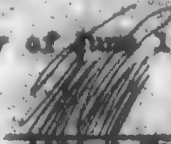
This testimony and such papers as you may be pleased to file with the Commission will be forwarded to the Secretary for his final decision when the rolls are sent to him for final approval.

Your enrollment is refused for the reason that your name does not appear on the Tribal rolls now in possession of this Commission, for the further reason that you have never been recognized by the properly constituted tribal authorities of the Choctaw Nation, or that you were admitted by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory, and for the further reason that it appears from the testimony in this case that you did not remove to the Territory and take up your residence within the time required by law.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a full, true and complete transcript of his stenographic notes in said case.

M. B. Green

Subscribed and sworn to before me this 12 day of June 1900.



Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 5th, 1902.

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In the matter of the application of Lewis H. Garrett for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Lewis H. Garrett, being first duly sworn, testified as follows:

Examination by the Commission:

- Q Your name is Lewis H. Garrett? A Yes sir.
Q What is your age Mr. Garrett? A Twenty-five.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived at Atoka? A Since in December, '98, or right about then.
Q Where were you born? A I was born in Mississippi.
Q At what place in Mississippi? A In Panama County I think it was---I can't remember the name of the County Seat, but I don't remember---I know the town; I think Sardis.
Q How long did you live there? A A short while.
Q Where did you go from there? A Moved to Arkansas and lived there part of a year and moved back to Mississippi.
Q And then moved where? A Lived there twelve years and moved to DeSoto County.
Q How long did you live in Mississippi that time? A Four or five years.
Q Then went where? A To the Territory.
Q Then you went where? A Back to Ft. Smith, Arkansas.
Q Lived there how long? A About four years.
Q Then you went where? A Back to Atoka, Indian Territory.
Q Lived there since have you? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jesse C. Garrett.
Q What was your mother's name? A Mary Harper was her maiden name.
Q You claim through which parent---father or mother? A Mother.
Q How much Choctaw blood do you claim? A About one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir, not to my knowledge.
Q Are you married? A No sir, I am single.

#2.

- Q You make application for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I suppose not.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A Well no; we attempted to but failed to get before the Commission; we thought we had got the application in all right, but never reached the proper authorities at McAlester. The fact of the business is the lawyer failed to send the papers off. He took the money but never sent the papers, if he did we never found any record made of them. We have his receipts for the money and work he was to do.
- Q What was his name? A Thomas B. Latham.
- Q Where does he live? A Did live at Antlers. He was practicing law at Ft. Smith then. He had been-----
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission at any other time except in 1896?
- A Yes sir, I did in June two years ago at Colbert; I think it was about two years ago; I was the first person examined at Colbert.
- Q You made application at Colbert, June 11, 1900? A Yes sir.
- Q Just for yourself? A Yes sir.
- Q You gave your age as twenty-two then; that was three years ago was it? A Yes sir, I think I did.
- Q What was done with that application? A It was rejected I think. I remember receiving notice from the Commission to that effect.
- Q You made an application then as a Choctaw by blood? A Yes sir.
- Q Do you now want to have that case and the evidence in it considered with the present application that you are making now?
- A I do.
- Q So that you can get the advantage of what testimony you offered in that case? A Yes sir, I want all the benefit I can get of the testimony.

The application made by this applicant before the Commission at Colbert, Indian Territory, June 11, 1900, and the record known as Choctaw R 564 is herewith made a part of his present application, to be considered with said application as far as it applies.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
- A Yes sir. I have no children but I want to be identified myself.
- Q Do you understand that article of that treaty? A I understand part of it. I don't know whether I thoroughly understand all of it or not. I have read the fourteenth article through a time

or two.

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 of that year, and was made for the purpose of removing, as far as possible, all of the Choctaw Indians from 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, and in order to protect their interests article fourteen was put into that treaty. It reads as follows:

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

- Q Do you know whether any of your ancestors complied or attempted with any of the provisions of that article? A Yes, I suppose that they did; its been my understanding that they did.
- Q What is the name of your ancestor through whom you claim the right to be identified? A My grandmother and great-grandmother.
- Q What is the name of the one you claim through? A Grandmother Falsen or great-grandmother Harper.
- Q Mary Falsen was her maiden name? A Yes sir.
- Q She married whom? A Nat Hale.
- Q White man? A Yes sir.
- Q Did she live in Mississippi in 1830? A It's been my understanding she did.
- Q Was she the head of a family there then? A Yes sir.
- Q How much Choctaw blood did she have? A I have been told she was full blood or half breed. There is one party states that she knew her to be full blood. My grandmother said she was Indian, full blood.
- Q What relation was she to you? A She's my great-grandmother; my grandmother's mother.

#4.

- Q What relation is Mary J. Garrett to you? A She's my mother.
Q And your grandmother's name was what? A Betsy Harper. Her maiden name was Betsy Hale.
Q Betsy Hale married Harper? A Yes sir.
Q She lived in Mississippi? A Yes sir.
Q She have a family of children there in 1830? A Well, I don't know about that; I couldn't say about that; I don't think she did though.
Q How old is your mother now? A She is about sixty----well I would have to figure it up----sixty some odd though.
Q How old? A About sixty-nine I think; '32 and this is 1902.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, I suppose my uncles did.
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 couldn't answer positively; I don't know; I have no proof of it.
Q Did any of your Choctaw ancestors own any rights or privileges or claim any, or land or interests in real estate in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Yes sir, I suppose they did. My uncles had property there.
Q Who of your ancestors owned land there? A Uncle William Hale.
Q But he was a white man? A No sir, he was a son of Mary Fulsem. Mary Fulsem then I suppose had land there but she died about that time, but I couldn't say whether she did or not under the fourteenth article, but I suppose----

The Indians who remained 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 after the ratification of the treaty, and tell the Agent that they wanted to stay there in the old Choctaw Nation east of the Mississippi river, live there upon the land which they proposed to select for five years, and wanted to become citizens of the states. Now a good many Choctaw Indians who had land in Mississippi and who afterwards selected land, went to the United States Indian Agent within six months from the ratification of the treaty and tried to register under that article of that treaty. Colonel Ward neglected to put their names upon his list known as Ward's Register, and as a result of his neglect a great many Indians who had land in Mississippi, upon which they had improvements, lost both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of 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 went to Mississippi in accordance with an act approved August

#3.

23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know. I suppose they did but I don't know positively about it.
- Q Did any of your Choctaw ancestors receive any benefits as Choctaw Indians as scrip which was issued under an act of Congress approved August 23, 1842, which scrip or certificates entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they had held in the old Choctaw nation and which the government had taken from them and sold? A Why, I presume that they did; I don't know positively; I couldn't swear that they did for I -- I don't know positively, but circumstances go to prove that my grandmother did.
- Q Do you think you will be able to produce proof later to show that? A I don't know.

You will be given time up to June 1st in which to introduce other testimony in support of this application if you desire.

- Q Who is Bettie B. Wilson? A Mother's sister.
- Q Has she made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q At Ateka? When? A Last September a year ago.

The application of Bettie B. Wilson is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A Why, some few words I can speak and a great many words I can understand.
- Q You do not converse freely? A No sir, I don't understand the language thoroughly; quite a lot I can speak and quite a lot I can understand.
- 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, medium dark complexion, brown eyes, and light brown hair; doesn't speak 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.

40.

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 8th day of May, 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.


Subscribed and sworn to before me this 14th day of May, 1902.

Charles H. Johnson
Notary Public.

Waskoee, Indian Territory, September 21, 1900.

Louis Sarrett,

Atoka, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of the 15th inst., in which you request that your application for enrollment as a citizen by blood of the Choctaw Nation be forwarded to the Secretary of the Interior for his consideration.

In accordance with your request, the same has been filed with the other papers in this case, and the records so 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.

V-2-522

Muskogee, Indian Territory, October 10, 1902.

Lewis H. Garrett,
 Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Garrett et al., summarizing the following applications for identification as Mississippi Choctaws:

Mary J. Garrett,	M C R 5507
Bettie B. Wilson,	M C R 3447
Lewis H. Garrett,	M C R 3008
Althea Garrett,	M C R 3809
Eva J. Pender,	M C R 3010
Frank F. McKeely et al.,	M C R 5511
John H. McKeely et al.,	M C R 3607
James H. McKeely et al.,	M C R 3606.

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

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

L H Q 2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althen Garrett, Eva J. Pender, Frank P. McNeely, Jessie M. McNeely, Willie M. McNeely, James S. McNeely, Joseph A. McNeely, Eddie M. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John M. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse B. McNeely, John Thornton McNeely, Mary A. McNeely, and Theodore McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

T. B. Woodice.

Commissioner in Charge.

Registered.

M.C.R. 8508

COPY.

Muskogee, Indian Territory, February 24, 1903.

Lewis H. Garrett,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of Mary J. Garrett, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

(SIGNED)

Tammie E. Eason

Commissioner

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Lewis H. Garrett

Age 25 - Blood 1/8

Post-Office, Atoka, D. T. - - -

Father: J. C. Garrett d

Mother: Mary " b

Claims through mother - - -

Children:

Claims for self alone -

A. G. McMillan

Choctaw MCR 5509

Althea Garrett

See MCR 5507

MCR 5509

Commission to the Five Civilized Tribes,
Oelbert, I.T., June 11, 1900. R 366

In the matter of the application of Althea Garrett for enrollment as a citizen of the Choctaw Nation by blood; being sworn and examined by Acting Chairman Rixby she testifies as follows;

- Q What is your name? A Althea Garrett.
Q How old are you? A Twenty-eight.
Q What is your post-office address? A Atoka.
Q Do you live at Atoka? A In the country, three miles.
Q How long have you lived there? A Ever since the 28th of December 1898.
Q Where did you come from? A From Fort Smith, Arkansas.
Q How long had you lived in Arkansas? A Five years.
Q Where did you live before that? A In Tate and DeSoto counties in Mississippi.
Q You were born in Mississippi? A I was born in Ball County Texas.
Q Do you make application for enrollment as a Choctaw Indian by blood? A Yes sir.
Q What is the name of your father? A Jesse Garrett?
Q Is he living? A No sir, he is dead.
Q Was he a Choctaw Indian? A No sir he was a white man.
Q What is the name of your mother? A Mary Garrett.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does she claim? A
A One-fourth.
Q Was her name ever on the tribal rolls? A No sir.
Q She has never been recognized by the Choctaw authorities has she
A No sir.
Q What county in the Choctaw Nation does she claim to belong to?
A Atoka I suppose.
Q What county do you claim to belong to? A Atoka.
Q Have you ever been enrolled by the Choctaw Tribal authorities?
A No sir.
Q Ever been recognized by the Choctaw Tribal authorities?
A No sir.
Q Ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian by blood? A No sir, my mother applied in 1896 I think, but the lawyer failed to present our case.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Your case has never been before the United States Court?
A No sir. Never had any trial of any kind.
Q What proportion of Choctaw blood do you claim to have? A About one-eighth.
Q Are you married? A No sir.
Q Is there any additional statement you would like to make at this time in regard to your case? A No sir, Not at this time.

You will be permitted to file any additional evidence on the form of statements, affidavits or other proper papers that you may desire to present. This testimony, and such papers as you may be pleased to file with the Commission will be forwarded to the Honorable Secretary of the Interior for his examination when the final rolls of the Choctaw Nation are sent to him for final approval.

Your enrollment is refused, for the reason that your name is not found on the Tribal rolls of the Choctaw Nation now in possession of this Commission, and for the additional reason that it does not appear that you have ever been recognized by the tribal authorities, or that you were admitted by the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory; for the additional reason that it appears from the testimony that you did not remove to and in good faith take up your residence in the Nation

Arthur Garrett vs

in which you claim citizenship during the time required by law.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

H.D. Green

Subscribed and sworn to before me this 2nd day of June, 1900.

[Signature]
Acting Clerk

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 5th, 1902.

#5509.

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In the matter of the application of Althea Garrett for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Althea Garrett, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Althea Garrett.
- Q Are you the same Althea Garrett who made application for enrollment as a citizen of the Choctaw Nation by blood at Colbert, Indian Territory, before the Commission, June 11, 1900?
- A Yes sir.
- Q You gave as your age twenty-eight at that time, and you are how old now? A Twenty-eight now; I made a mistake that time Mamma said.
- Q So that at the time you made your application and said you were twenty-eight you made a mistake? A I suppose so.
- Q What is your post office address? A Ateka, I. T.
- Q How long have you lived at Ateka? A Since December 28, '98.
- Q You used to live in Arkansas? A Yes sir.
- Q At Ft. Smith? A Yes sir.
- Q And lived there for five years? A About that time.
- Q Did you used to live in Mississippi? A Yes sir.
- Q Where were you born? A In Texas, Bell County.
- Q On June 11, 1900, you made application as a Choctaw by blood did you not? A Yes sir.
- Q Do you now wish to have that application and the testimony and records given in at that time now considered a part of this present application? A Yes sir.
- Q And 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 Is your father now living? A No sir.
- Q Is your mother now living? A Yes sir.
- Q She's also made application to-day has she not, to be identified as a Mississippi Choctaw? A Yes sir.
- Q Your father's name was what? A Jesse C. Garrett.
- Q And your mother's name is what? A Mary J. Garrett.
- Q You claim through your mother? A Yes sir.

#2.

- Q Do you know how much Choctaw blood you claim? A How much I claim? About one-eighth I suppose.
- Q About an eighth? A Yes sir.
- Q Are you married? A No sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q You claim for yourself alone do you not? A Yes sir.
- Q Did you try to make application to the Dawes Commission for enrollment as a Choctaw Indian under the act of Congress of June 10, 1896? A Yes sir.
- Q What was done with that application? Did it ever get before the Commission? A No sir, our lawyer failed to present the case.
- Q And is that the only application you have ever made to the Dawes Commission except the application you made at Colbert, June 11, 1900? A Yes sir, that's all.
- Q And that you want to now have considered as part of this application? A Yes sir.

That application, Choctaw R 566, is here referred to and made a part of the record in this application.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time? A No sir.
- Q Do you want to be identified now as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q Do you care to have it further explained? A It is not worth while I don't think.

The reading, without the explanation, 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 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; I think some of them did.
- Q What is the name of your ancestor that you claim through now?
 A Grandmother Hale or great-grandmother Fulsem.
- Q What was the name of her husband? A Nat Hale.
- Q What was your grandmother's name? A Betty Hale was her maiden name.
- Q She married a man named Harper? A Yes sir.
- Q Which of your ancestors lived in Mississippi in 1830?
 A My grandmother Mary Fulsem.
- Q Who married Nat Hale? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I think they all did--- my grandmother's brothers.
- Q Did they get it from the government? A They said it did--- they got-----
- Q Do you know where and how they got it? A No sir.
- Q Did you ever see any patents or anything of that kind from the government? A No sir, I don't know anything about 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 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 You did hear then that some of your ancestors complied with article fourteen of the treaty of 1830? A Yes.
- Q Do you know which ones did? A I don't know; I think that grandmother Fulsem did, for I have heard that she was interpreter for the Dancing Rabbit Treaty affair.
- Q Have you any way to prove that? A It has been proven; it was in some of our testimony that we sent up here that she was interpreter and I suppose that she complied with it.
- 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 think the Fulsems did.
- Q Do you know if they did? A I don't know that they did but grandmother said they did.
- Q What Fulsems? Can you give their names? A No sir.
- Q You don't remember any special names? A No sir, except the Fulsems.
- Q When they came from Mississippi do you know where they located in the Indian Territory? A In the Choctaw Nation somewhere.
- Q You don't know the name of the place? A No sir.
- Q What year did they come over? A I don't know except they just came off with the Indians, part of the Fulsems and part of the Hales, came off with the Indians to the Choctaw Nation.
- Q If any of your ancestors received any land in the old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830, did you ever hear who received it and under what

#4.

circumstances they received it, and can you tell anything further than you have stated about it? A No, I don't think I can, any more than we think and believe that they did, but are not able to say anything further now. We think that grandmother Hale took money on account of grandfather Harper being a poor man for he became independent after being in poor circumstances goes to prove that he took money or something.

The Indians who stayed back in the old Choctaw Nation 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 whose name was Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. Colonel Ward neglected to put upon his list, known as Ward's Register, the names of a great many Indians who did this, and because of his failure a great many Indians who had lands in Mississippi upon which they had improvements lost both land and improvements; both were taken from them by the government and sold. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed 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.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians? A I don't know; I couldn't say for sure.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they had occupied in Mississippi in the old Choctaw nation?
- A I think grandmother Harper did; I have reason to believe that she did.
- Q Then you think that she did, do you? That she went first before Colonel Ward and not receiving her rights there went before a later Commission? A She must have; We think she did something of the kind.
- Q What proof have you except a matter of family history and tradition? A I have none.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A None except our family that I know of.
- Q What family is that? A Well, my mother.
- Q Except your mother, Mary J. Garrett, M C R 5507 and your brother whose Number is M C R 5508? A No, brother Frank McNeely.
- Q Did he come here? A No sir, he hasn't got here.
- Q The only ones that you are related to are the two you mentioned?
- A Yes sir.
- Q Who appeared as Mississippi Choctaws? A Yes sir.
- Q When he makes application his case will be consolidated with these others? A Yes sir.

#6.

- Q You want to have them all consolidated? A Yes sir. I forgot my auntie Mrs. Wilson.
- Q Has she appeared here? A No sir, at Ateka.
- Q What is her full name? A Bettie B. Wilson, Bennett, Indian Territory.
- Q Who is Bettie B. Wilson? A Mother's youngest sister. She made application at Ateka last September.
- Q Do you want to have her case considered with yours and all these other cases where they claim through the same common ancestor?
- A Yes sir.

The case of Bettie B. Wilson, No. M C R 3447 is referred to and made a part of this application for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended perhaps from mixed ancestry; she shows more of the caucasian features and expression; high cheek bones, hazel eyes, dark brown hair; she doesn't understand the Choctaw language nor does she have absolute knowledge of her ancestors having complied with article fourteen of the treaty of 1830, except as it comes to her in the way of family history and tradition.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that he reported the proceedings had in the above entitled cause on the 5th day of May, 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.

Subscribed and sworn to before me this 14 day of May, 1902.



Charles Nesauyer
Notary Public.

Muskogee, Indian Territory, September 21, 1906.

Althea V. Garrett,

Atoka, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter of the 19th inst., in which you request that the records in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation be forwarded to the Secretary of the Interior for his final decision.

Your request has been filed with the other papers in this case, and the records so 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,

T-2-386

COPY.

M C R 5500

Washago, Indian Territory, October 10, 1902.

Althea Garrett,

Ateka, Indian Territory.

Dear Madam:

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

- Mary J. Garrett, M C R 5507
- Bettie B. Wilson, M C R 5447
- Lewis H. Garrett, M C R 5508
- Althea Garrett, M C R 5509
- Eva J. Pender, M C R 5510
- Frank P. McNeely et al., M C R 5511
- John M. McNeely et al., M C R 5567
- Jesse B. McNeely et al., M C R 5565.

These applications were made under the provision of the act of Congress of June 26, 1876 (20 Stats., 495) which is as follows:

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

1 0 8

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althea Garrett, Eva J. Pender, Frank P. McNeely, Fessie M. McNeely, Willie M. McNeely, James S. McNeely, Joseph A. McNeely, Eddie M. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John M. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse B. McNeely, John Thornton McNeely, Mary A. McNeely and Theodore McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

M.C.R. 8809

COPY.

Muskogee, Indian Territory, February 24, 1903.

Althea Garrett,

Atoka, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th 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 Mary J. Garrett, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

SIGNED:

James Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Althea Garrett for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Althea Garrett, appeared before the Commission at Colbert, Indian Territory, June 11th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant had not removed to the Indian Territory in compliance with the act of June 28th, 1896, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as a citizen by blood of the Choctaw Nation of Althea Garrett is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 30, 1900.

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Althea Garrett,

Age 28 Blood 1/8

Post-Office, Alab. I.P.

Father: Jesse C. Garrett d.

Mother: Mary J. " -L

Claims through mother

Children:

Claims for self alone

A. G. M. Mill

Choctaw MCR 5510

Eva J. Pender

See MCR 5507

MCR 5510

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Era Pender for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Era Pender, appeared before the Commission at Colbert, Indian Territory, June 11th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant had not removed to the Indian Territory in compliance with the act of June 28th, 1896, (Curt's Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as a citizen by blood of the Choctaw Nation of Era Pender is therefore hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory August 20, 1900 .

Commission to the Five Civilized Tribes,
Colbert, I.T., June 11, 1900.

R 52

In the matter of the application of Eva Pinder for enrollment as a citizen of the Choctaw Nation by blood; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Eva Pinder.
Q How old are you? A Thirty-six.
Q What is your post-office address? A Atoka, I.T.
Q Do you live at Atoka? A Yes sir.
Q How long have you lived at Atoka? A I have lived at Atoka twelve months, but I have lived in the Territory five years.
Q Have you been outside of the Territory for five years? A Not since I came, no sir; I haven't been out of the Territory at all since I came.
Q What is the name of your father? A J.W. Pinder.
Q Is he living? A No sir. He died when I was an infant.
Q Is he a white man or a Choctaw Indian? A White man.
Q What is the name of your mother? A Mary J. Garrett, ~~was born~~
~~xxxxxxxxxxxx~~
Q What was her maiden name? A Harper.
Q Is she a Choctaw Indian? A Yes sir.
Q Is she living? A Yes sir.
Q Is her name on the Tribal rolls of the Choctaw Nation?
Q She was enrolled up at Atoka this last Friday.
Q I asked you if her name is on the Tribal rolls of the Choctaw Nation? A No sir, she has not been enrolled before.
Q Has she ever been recognized by the Choctaw Tribal authorities?
A No sir.
Q What county in the Choctaw Nation does your mother belong to?
A Atoka.
Q What county do you belong to? A Atoka.
Q That is the way the Tribe would enroll you if you were to be enrolled would it? A Yes sir, I suppose so.
Q You don't know a great deal about the tribal enrollment I don't suppose, do you? A No sir.
Q Has your name ever been on the tribal roll? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian by blood? A No sir.
Q When did you first learn that you were a Choctaw Indian?
A I have known it since childhood.
Q Why didn't you apply to the Choctaw authorities sooner?
A We had no opportunity then, my mother applied for us, but it seems that the lawyer didn't do his duty is the reason that we have never been enrolled before.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Your case has never been up before the United States Court then?
A No sir.
Q Are you married? A No sir.
Q What proportion of Choctaw blood do you claim to have in your veins? A One-eighth.
Q Is there any additional statement that you would like to make at this time in regard to your case? A Not at present.
Q Any papers you would like to file? A No sir.
Q You will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers which you may desire to present. This testimony and such papers as you may leave with us will be forwarded to the Honorable Secretary of the Interior for his examination when the final rolls of the Citizens of the Choctaw Nation are sent to him for final approval.
Your enrollment is refused for the reason that your name does not appear on the Tribal rolls of the Choctaw Nation now in our possession, neither does it appear that you have ever been recognized by the properly constituted authorities of the Choctaw Nation, or that you were admitted to citizenship in the Choctaw

Exhibit #2

Notice by the Government to the Five Civilized Tribes acting under the law of 1891, or by a court of the United States Court in the Territory of Oklahoma, for the additional reason that in a case from your territory that you did not remove to in good faith take up your residence in the Nation in which you claim citizenship within the time required by law.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 12 day of June 1900.

[Signature]
Acting Chairman

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 5th, 1902.

#5510.

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In the matter of the application of Eva J. Pender for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Eva J. Pender being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eva J. Pender.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Choctaw, Indian Territory.
Q How long have you lived there? A Let me see---about thirteen months. I am a music teacher going from place to place.
Q How long have you lived in the Indian Territory? A About six years.
Q Going from place to place? A Yes.
Q Where were you born? A LaFayette County, Mississippi.
Q And how long did you live there? A About twenty years.
Q And from there you went where? A To Texas.
Q And you lived there until you came to the Territory?
A Yes sir.
Q Is your father living? A My father is dead.
Q Your mother is living? A Mother's living.
Q What was your father's name? A J. W. Pender.
Q And your mother's name is what? A Mary J. Garrett.
Q She made application to be identified to-day did she not?
A Yes sir.
Q You claim through your mother do you? A Yes sir.
Q How much Choctaw blood do you claim? A One-eighth I suppose.
Q Has your mother ever been recognized in any way or even as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A She has not.
Q You claim for yourself alone do you? A Alone.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Why, let me see----
Q To the Choctaws? The Indians? A No.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896, that is, six years ago? A Well, we tried and

failed. It was the fault of our lawyer.

- Q He didn't, as a matter of fact, get your papers before the Dawes Commission? A No sir, he made no effort whatever; he misled us.
- Q Did you ever make application for citizenship in the Choctaw Nation before the Commission to the Five Civilized Tribes at any other time since 1896? A Yes sir.
- Q When? A Two years ago at Colbert.
- Q Did you make an application for citizenship by blood in the Choctaw Nation before the Commission at Colbert, Indian Territory, June 11, 1900? A Yes sir.
- Q What was done with that application made by you at that time? A We were rejected.
- Q Did you receive notice of the fact that your application was rejected then? A Yes sir. We had not presented any proof then.
- Q And you therefore make this application at this time to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.
- Q Do you want to have the testimony and the record made in your application before the Commission at Colbert, I. T., June 11, 1900, considered with and consolidated with the application that you make now? A Yes sir.
- Q And all of the papers you want to have apply do you? A Yes sir.
- Q You never have been admitted to citizenship in the Choctaw Nation either 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 understand article fourteen of the treaty of 1830? A A part of it I do.
- Q Do you care to have it explained further? A Is it necessary?
- Q Not unless you think so; do you think you understand it pretty well now? A Yes.

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 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 entitled to any portion of the Choctaw annuity."

#3.

- Q Did any of your ancestors comply with the provisions of that article? A I have the impression that they did.
- Q But you don't know positively? A Cant say positively; I don't quite remember that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Fulson. My great-grandmother was Mary Fulson.
- Q Married whom? A Nat Hale.
- Q White man? A White man.
- Q She was what relation to you? A Great-grandmother.
- Q How old would she be if living now? A I cant tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I think so.
- Q What evidence have you of that fact? A Well, I cant produce any evidence now.
- Q I mean beyond family hearsay and tradition? A None whatever.
- Q And you have heard that in the family? A Yes sir, it's been our understanding.
- 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? Or don't you know? A Don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
- A We have been told that they went; some of them, but we cant locate them.
- Q Do you know when they went? A No sir.
- Q Can you give the names of any that went or where they went to?
- A Fulsems and some of the Hales, but we don't know what portien of the Nation they settled in; never have been able to trace them.
- Q Have any of your Choctaw ancestors---did they ever receive any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A We think so.
- Q Do you know where? A In LaFayette County.
- Q Do you know what became of the land if they received any?
- A No sir.
- Q Do you know whether they got it from the government or not?
- A We think they got it from the government.
- Q Did they get it under article fourteen of the treaty of 1830?
- A I think so.
- Q You have no proof of that now except family history? A No sir; I have no positive proof.
- Q Do you think perhaps you might get some evidence of that fact later? A We don't know whether we can or not. The people are old, some have died and scattered over different portiens of the country.

Evidence by affidavits is received but that isn't the best evidence. The best evidence is the personal attendance of your witnesses here before the Commission to be examined under oath; and the next best evidence is in the form of depo-

#4.

sitions taken under the rules of the Commission. You will be allowed up to the first day of June in which to introduce any proper evidence in support of your claim.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect to do so caused a good many Indians who had attempted to register under article fourteen and who had land in the old Choctaw Nation, to have their land taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress by an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians? A We think they did.
- Q Do you know positively? A Don't know positively.
- Q Who is Bettie B. Wilson? A Bettie B. Wilson is a daughter of Bettie Harper.
- Q Is she a relative of yours? A An aunt.
- Q She has made application to be identified as a Mississippi Choctaw hasn't she? A She has.
- Q Do you want to have her testimony and the testimony of these other relatives of yours who have appeared before the Commission to be identified as Mississippi Choctaws, considered with your case? A Yes sir.
- Q Do you speak the Choctaw language? A I do not.
- Q Is there anything more you would like to state new in support of this claim? A I cant think of anything. We have a witness here to be examined from Mississippi.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has dark brown hair, blue eyes;

- Q You have no knowledge of the Choctaw language? A I can understand a few words but never made any attempt to learn or speak it.

Her knowledge of whether or not her ancestors complied with article fourteen of the treaty of 1830 is gathered from family history and tradition.

Albert S. 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 5th day of May, 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.



Subscribed and sworn to before me this 14 day of May, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, September 24, 1900

Mrs. Pender,

Paris, Texas.

Dear Madam:

The Commission is in receipt of your letter of the 15th instant in which you desire to have your case presented 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 in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

7-5-567

Mustang, Indian Territory, April 10, 1908.

Mr. Pender,

Atoka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, replying to our communication of March 11, 1908, notifying you that you would be allowed thirty days from the date thereof within which to submit to the Commission an affidavit corroborated by two witnesses showing that you are entitled to be identified as a Mississippi Choctaw under the provision of the twenty-first section of the act of Congress of June 20, 1898.

With your letter of the 7th instant, you enclose your affidavit and the affidavits of Mary T. Garrett, Richard Gilbert and Delilah Gilbert in which affidavits it is alleged that you are the descendant of a Choctaw Indian who remained in Mississippi in 1830 and received land from the government.

These affidavits have been 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 the completed 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 you to personally appear before the Commission with such witnesses as you may be able to secure in support of said allegations.

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 Chectaw, and that the case is completed and it will proceed to render its decision as to your rights to enrollment as a citizen of the Chectaw Nation and to identification as a Mississippi Chectaw, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

Register.

COPY.

H O R 5025

Washington, Indian Territory, October 10, 1908.

Eva J. Pender,

Cherokee, Indian Territory.

Dear Madam:

You are hereby advised that on the 10th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Garrett et al., embracing the following applications for identification as Mississippi Cherokees:

Mary J. Garrett,	H O R 5007
Bettie B. Wilson,	H O R 5007
Lewis H. Garrett,	H O R 5008
Alison Garrett,	H O R 5009
Eva J. Pender,	H O R 5010
Frank P. McNeely et al.,	H O R 5011
John H. McNeely et al.,	H O R 5007
Jesse H. McNeely et al.,	H O R 5008.

These applications were made under the provision of the act of Congress of June 20, 1906 [33 Stat., 495] which is as follows:

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

B J P 2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althea Garrett, Eva J. Pender, Frank P. McNeely, Jessie M. McNeely, Willie H. McNeely, James S. McNeely, Joseph A. McNeely, Eddie M. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John M. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse B. McNeely, John Thornton McNeely, Mary A. McNeely and Theodore McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 5620

COPY.

Waskoge, Indian Territory, February 24, 1903.

Mrs J. Fender,

Choctaw, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th 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 Mary J. Garrett, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

(SIGNED).

Tarns Eixby.

Chairman.

MEMORANDA.

Name Eva Pinder (Date) June 11, 1900.
(36) Atoka, D.T.

Choctaw? yes. County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? Yes Mother's citizenship Choc.

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

County	Year	Page	No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

J. W. Pinder (father)
Mary J. Garrett (mother)

CASE NO. 567--Choc.--R.--

The name of the applicant is given as "Eva Pinder," in the testimony. In the judgment it is given as "Era Pender."

R. C. G. Oct. 15, 1900.

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Eva J. Pender.

Age 38 - Blood 1/8

Post-Office, Chicotah, I.T.

Father: J. W. Pender d.

Mother: Mary J. Garrett, l

Claims through mother

Children:

Claim for self
alone -

Stenographer A. S. McMillan

Choctaw MCR 5511

Frank P. Mc Neely

See MCR 5507

MCR 5511

Commission to the Five Civilized Tribes,
Selbert, I.T., June 11, 1900.

P 560

In the matter of the application of Frank P. McNeely et al for enrollment as Choctaws by blood; being sworn and examined by Art's Chairman Dixby he testifies as follows:

- Q What is your name? A Frank P. McNeely.
- Q What is your age? A Forty-seven.
- Q What is your post-office address? A Atoka, I.T.
- Q Do you live at Atoka? A I live in Atoka County.
- Q How long have you lived there? A Since 1892.
- Q What month in 1892? A December.
- Q Where did you come from to Atoka County? A Texas.
- Q You came into the Territory from Texas in December 1892? Yes sir.
- Q How long had you lived in Texas? A Twenty-six years.
- Q Where did you live before that? A In Mississippi.
- Q What is the name of your father? A Jesse McNeely.
- Q Is he living? A No sir.
- Q Was he a Choctaw Indian? A No sir.
- Q What is the name of your mother? A Mary Garrett.
- Q She living? A Yes sir.
- Q She a Choctaw Indian? A Yes sir.
- Q Is her name on the Choctaw Tribal rolls? A No sir.
- Q What county in the Choctaw Nation does she claim to belong to? A Atoka County.
- Q Has she ever been recognized by the Choctaw Tribal authorities? A No sir.
- Q What county in the Choctaw Nation do you claim to belong to? A Atoka County.
- Q Have you ever been on the Choctaw Tribal rolls? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities for enrollment as a Choctaw Indian by blood? A We made application in 1896, but it failed to go through.
- Q You didn't make application then? A No sir.
- Q Did you ever apply to the Dawes Commission in 1896? A Yes sir. Your failed to.
- Q Your case was never before the United States Court? A No sir.
- Q What proportion of Choctaw blood do you claim to have? A One-eighth.
- Q Are you married? A Yes sir.
- Q Do you make any claim for your wife? A No sir.
- Q Have you got any children? A Yes sir.
- Q Do you claim anything for them? A Yes sir.
- Q Please give their names and ages, those under twenty-one years of age and unmarried? A I have seven, all under twenty-one, the oldest one is Jessie Mabel, 18 years old; Willie Hand, 15 years old; James Servetus, 13 years old; Joseph Arthur, 10 years old; Eddie Martin, 9 years old; Barbara Allen, 5 years old; Frank Pullam, 3 years old.
- Q Are these children living with you? A Yes sir.
- Q All living at home? A Yes sir.
- Q Their post-office address is the same as yours? A Yes sir.
- Q Is there any additional statement in regard to your case you would like to make at this time? A No sir.
- Q Any papers you would like to file? A No sir.

You will be permitted to file any additional evidence in the form of statements, affidavits or other proper papers which you may desire to present; This testimony and such papers as you may care to leave with the Commission will be forwarded to the honorable Secretary of the Interior for his examination when the rolls of citizenship of the Choctaw Nation are sent up for his final approval. Your enrollment and the enrollment of your children is refused for the reason that your names do not appear on the Tribal rolls of

Frank P. Murphy et al (2)

the Choctaw Nation now in the possession of this Commission, and for the additional reason that it does not appear that you or your child ren have ever been recognized by the properly constituted authorities of the Choctaw Nation, nor that you have been admitted by the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory, and for the additional reason that it appears from the testimony that you and your children did not remove to and in good faith take up your residence in the Nation in which you claim citizenship within the time required by law.

M. J. Green, being first duly sworn, states that as stenographer to the Five Tribes Commission he reported the above case and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M. J. Green

Subscribed and sworn to before me this 12 day of June 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 5th, 1902.

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In the matter of the application of Frank P. McNeely for the identification of himself and his eight minor children, Jessie M., Willie M., James E., Joseph A., Eddie M., Barbara A., Frank P., Jr., and Mary V. M. McNeely, as Mississippi Choctaws.

Applicants not represented by attorney.

Frank P. McNeely, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Frank P. McNeely.
Q What is your age? A Forty-nine in September.
Q What is your past office address? A Atoka.
Q Indian Territory? A Yes sir.
Q How long have you lived at Atoka? A Lived there since '92.
Q Where did you live before that? A I lived in Texas before that for twenty-five years prior to that time.
Q Where were you born? A In Mississippi.
Q Did you go from Mississippi to Texas? A Yes sir.
Q Where did you live in Mississippi most of the time?
A Lived in Lafayette County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jesse McNeely.
Q What is your mother's name? A Mary J. Garrett nee.
Q You claim through which parent--father or mother? A Mother.
Q How much Choctaw blood do you claim? A Why, I declare sir, about a sixteenth I guess, or one-eighth I guess.
Q Is it an eighth? A Eighth I think.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q Is she a white woman or a Choctaw Indian? A White woman.
Q What is her name? A Glue McNeely.
Q You don't make any claim for her then? A No sir.

- Q How many children have you you want to make application for?
 A Eight.
- Q What is the name of the eldest? A Jessie M.
- Q Is that a girl? A Yes sir, that's a girl.
- Q How old is Jessie? A Twenty years old.
- Q The next? A Willie M.
- Q H? the same initial? A Yes sir, same initial.
- Q Is that a girl? A Yes sir, a girl.
- Q How old? A Seventeen.
- Q The next? A James B.
- Q How old? A Fourteen.
- Q The next? A Joseph A.
- Q How old? A He's twelve.
- Q The next? A Edie M.
- Q How old? A He's eleven.
- Q The next? A Barbara A. she's eight; Frank P.
- Q Junior? A Yes sir, he's six.
- Q You claim for yourself and these children do you? A Yes sir, there's one more. There's one born since this----Mary V. B.
- Q How old? A Seventeen months old.
- Q Is Gles McNeely the mother of these children? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q And the children all live with you at your home? A Yes sir.
- Q Were either you or she married before you married each other?
 A No sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
 A How is that?
- Q Are your names enrolled in the Choctaw Nation? A No sir.
- Q Have you the proof of the marriage of yourself and wife with you? A I haven't it with me.
- Q Think you can introduce that later? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in the Indian territory? A I have not.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896?
 A Yes sir.
- Q That's six years ago; did you make application six years ago?
 A No I made application since that time.
- Q You made application then for the enrollment of yourself and your children to the Hayes Commission since 1896? A Since 1896, yes sir.
- Q Do you remember when? A Yes sir, I think so.
- Q What date? A I think it was May, two years ago now; June perhaps.
- Q Did you only make one application previous to this application?
 A That's all.
- Q June 11, 1896, do you remember that date? A That's right.
- Q Where was it? A Colbert.
- Q Indian Territory? A Yes sir.

- Q What was done with that application at that time, do you remember? Were you refused or was it rejected? A It was rejected?
- Q Did you receive notice of that fact? A Yes 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 want to have the record in that case merged in this in order that there may be one application now pending before the Commission and that the present application? A And that the present application yes sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q You now come before the Commission to be identified with your children as Mississippi Choctaws do you, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830?
- A I think so sir; part of it at any rate.
- Q Do you understand the purposes of that treaty of 1830, and what article fourteen of the treaty was intended to accomplish?
- A Yes sir, I think the most of it; I think I understand the sense of it.
- Q Do you care for further explanation of it? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year, and was made for the purpose of removing, as far as practicable, all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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 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 entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A To the best of my knowledge, what I have learned about the matter, why some of them complied or attempted at least to comply.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Fulsom my great-grandmother.
- Q She married whom? A She married Nat Hale.
- Q White man? A Yes sir.
- Q How much Choctaw blood did she have? A I wouldn't be positive about it, but I think that she was three-quarters, perhaps a half or three-quarters.
- Q You don't know positively? A No sir, I don't.
- Q Did she live in Mississippi in 1830? A Yes sir, that is my understanding.
- Q Was she the head of a family there at that time? A Yes sir, I think so.
- Q Do you know how old she would be if living now? A No sir, I do not.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, 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 they wanted to stay in Mississippi, take land there and become citizens of the states? A I couldn't tell you that sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I have heard that they did; I couldn't say positive about that; I have heard.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes sir, a great many of my people owned land there that was said to be government land, that's all I knew.
- Q Where did they get it? A I couldn't tell you.
- Q Could you tell in what year they got it? A No sir.
- Q Where was it located? A Some of it was located in Pontotoc County and in LaFayette County, and some of my people lived in Marshall County.
- Q Did they have land there? A Yes sir.
- Q Did all those people that you speak of live in Mississippi in 1830 and did they go to the United States Indian Agent at that time, within six months from the ratification of the treaty, that would be in 1831, and claim this land? A Well, I could not tell you that; I don't know; I couldn't tell you how they got it.
- Q Did they get it from the Commission of 1837 or 1842, if you knew? A I don't know.

A good many Indians had land taken from them by the government and sold who went before Colonel Wm. Ward, the Uni-

ted States Indian Agent, within six months from the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians had their land taken who complied with article fourteen of the treaty of 1830, in regard to making declarations under that article of that treaty, and their land being taken from them they made a great many complaints to the government so that finally in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under that article of that treaty. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of that treaty to your knowledge? A Not to my knowledge sir; I couldn't say; I just don't know.
- Q Who is Bettie B. Wilson? A Bettie B. Wilson is my aunt.
- Q She has already made application to be identified has she not? A Yes sir.
- Q Other relatives of yours have also made application to be identified as Mississippi Choctaws have they not? A Yes sir.
- Q Would you like to have all these cases consolidated and considered together as one consolidated case? A Yes sir.

The case of Bettie B. Wilson, M C R 3447 is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say in support of this application? A Nothing only I would like to ask if it would be necessary for me to send my marriage certificate to this Commission.
- Q Well, it would be necessary for you to show your marriage to your wife Glee McFeely in order to support the application you make for these children. You want a little time in which to introduce other testimony? A Yes sir, I want to introduce that much.

You will be given until June 1st in which to introduce other testimony if you desire in support of this application, including the proof of the marriage of your wife and yourself.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, dark hair almost black, ruddy complexion; doesn't understand the Choctaw language and has no knowledge of any act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert S. 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 5th day of May, 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.


Subscribed and sworn to before me this 14th day of May, 1902.


Notary Public.

Miss. Choctaw 5511

Muskogee, Indian Territory, May 23, 1902.

Frank P. McNeely,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 18, enclosing certified copy of marriage license and certificate between F. P. McNeely and Miss G. A. Barkley, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

M C R 5611

McAlester, Indian Territory, October 10, 1908.

Frank F. McNeely,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Garrett et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Garrett,	M C R 5607
Bettie E. Wilson,	M C R 5647
Louis E. Garrett,	M C R 5608
Althen Garrett,	M C R 5609
Eva J. Pender,	M C R 5610
Frank F. McNeely et al.,	M C R 5611
John E. McNeely et al.,	M C R 5607
Jesse E. McNeely et al.,	M C R 5648.

These applications were made under the provision of the act of Congress of June 30, 1906 (34 Stats., 408) which is as follows:

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

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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 Mary J. Garrett, Bettie B. Wilson, Lewis H. Garrett, Althea Garrett, Eva J. Pender, Frank P. McNeely, Jessie M. McNeely, Willie H. McNeely, James S. McNeely, Joseph A. McNeely, Eddie M. McNeely, Barbara A. McNeely, Frank P. McNeely, Jr., Mary V. B. McNeely, John E. McNeely, Jesse S. McNeely, Frank T. McNeely, Otis McNeely, Jesse B. McNeely, John Thornton McNeely, Mary A. McNeely, and Theodore McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge.

Registered.

M.O.R. 8511

COPY.

Muskogee, Indian Territory, February 24, 1903.

Frank P. McKeely,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th 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 Mary J. Garrett, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

(SIGNED).

Tamo Pixby

Chairman.

Name Frank P. McNeely (Date) June 11, 1900.
(47) Patch, D.S.

Choctaw? Yes County _____ Year _____ No _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? Yes Mother's citizenship Choc.

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 Choc.

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

- 18 Jessie Mabel County _____ Year _____ Page _____ No _____
- 15 Millie Maud County _____ Year _____ Page _____ No _____
- 13 James Serretus County _____ Year _____ Page _____ No _____
- 10 Joseph Arthur County _____ Year _____ Page _____ No _____
- 9 Eddie Martin County _____ Year _____ Page _____ No _____
- 5 Barton Allen County _____ Year _____ Page _____ No _____
- 3 Frank Pellurus County _____ Year _____ Page _____ No _____
- _____ County _____ Year _____ Page _____ No _____
- _____ County _____ Year _____ Page _____ No _____
- _____ County _____ Year _____ Page _____ No _____

Jesse McNeely (father)

For Identification as a Mississippi Choctaw.

Date MAY 5 1902

Name Frank P. McNeely

Age 49 Blood ~~1/2~~ 1/8

Post-Office, Atoka, I. T.

Father: Jesse McNeely d

Mother: Mary J. Garrett, l

Claims through mother

wife Cleo McNeely, l. w.

No claim for wife -

Children:

Jessie M. McNeely 20

Willie M. " F 17

James ~~F.~~ S. " 14

Joseph A. " 12

Eddie M. " 11

Barbara A " 8

Frank P. " Jr. 6

Claims

Mary V. B. " 17 m.

Claims for self & children.

Choctaw MCR 5512

Drewry P. Fuller

MCR 5512

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 6th, 1902.

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In the matter of the application of Drewry P. Fuller for the identification of himself and his nine minor children, Everett, Fleming, Pat, John, Follie, Robert, Sallie, Dick, and Dutch Fuller, as Mississippi Choctaws.

Applicants not represented by attorney.

Drewry P. Fuller, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Drewry P. Fuller.
Q What is your age? A I am fifty years old.
Q What is your post office address? A Annona, Red River County, Texas.
Q Texas? A Yes sir.
Q How long have you lived in Annona? A Well I live six miles from Annona; that's my post office.
Q How long have you lived near Annona? A I moved to that county in '87.
Q You mean the county in which Annona is situated? A Yes sir.
Q Where did you live before that? A I was born in Mississippi.
Q Went from Mississippi to Texas? A Yes sir, my father did.
Q You went with him did you? 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 Henry Fuller.
Q What was your mother's name? A Hannah Fuller.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A I claim that I am one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A She's a white woman.
Q What is her name? A Belle.
Q Belle Fullert? A Yes sir.
Q B e l l i e ? 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 any children that you want to make application for?
- A Yes sir.
- Q How many? A Five.
- Q Are they all under twenty-one years of age and unmarried?
- A Yes sir.
- Q What is the name of the oldest? A Everett Fuller.
- Q How old is he? A He's eighteen last December.
- Q The next? A Fleming Fuller.
- Q How old is he? A He's sixteen.
- Q The next? A Pat.
- Q How old? A Pat he's---let's see---I think it is thirteen; yes sir, thirteen.
- Q The next? A John.
- Q How old is John? A John is twelve.
- Q The next? A Pollie?
- Q How old? A Five.
- Q Next? A Is Robert.
- Q How old is Robert? A Robert's seven.
- Q The next? A Sallie.
- Q How old is Sallie? A Sallie's five.
- Q The next? A Dick, three years old.
- Q Is that all? A Dutch.
- Q Dutch is how old? A She went to be a year old until next December; she was born the 18th of last December.
- Q Well how many months? A She's four and one-half months old.
- Q Is Dutch a boy or girl? A Girl.
- Q Is Dick a boy? A Yes sir, three girls and six boys.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes in the Indian Territory? A No sir, I have not.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children to the Dawes Commission under the act of Congress of June 10, 1897? A No sir.
- Q Have you ever made application to any authority, either the Choctaw authority, or the United States authority, for yourself and children at any time previous to this present application?
- A No sir.
- Q This is the first you have ever made? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article of that treaty? A No sir, not thoroughly.

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. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory.

Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who elected to stay back there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed, and afterwards, on the 24th day of February, 1831, 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 entitled to any portion of the Choctaw annuity."

- Q How 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 I don't know sir; my mother said she never drew nothing.
- Q What is the name of your ancestor through whom you make your claim for identification? A My grandmother.
- Q What was her name? A I don't know sir, but my grandfather's name was Jack.
- Q Do you claim through him? A No sir.
- Q He was a white man? A Yes sir.
- Q Well, I want the Choctaw ancestor if you can give it?
- A I can't tell you it.
- Q What was Jack's wife's name? A My mother's maiden name was Dulaney.
- Q Therefore her father was named Dulaney--your grandfather--and his wife's married name was Dulaney, but you don't know the first name? A No sir, I don't.
- Q Well is this the one that you are claiming through? A My mother?
- Q No, your grandmother? A My grandmother was quarteroon and her mother was full blood.
- QV How old was your mother? A She died in 1870; she was fifty-four years old then---1870, February the 20th.
- Q She died thirty-two years ago? A Yes sir, she was fifty-four then.
- Q She would be eighty-six if living now? A Yes sir.
- Q Did she ever live in Mississippi? A Yes sir.

- Q Was she born there? A I think so, that's my recollection.
- Q Did she marry while in Mississippi? A Yes sir, she married my father in 1816; I think it was that my father and mother was married; I believe it was in 1816; I have forgot; she's been dead thirty-two years, and my father died in 1863.
- Q Well, if she is eighty-six years old---? A That's her age.
- Q You mean she was born in 1816? A Might have been; I have forgot.
- Q Because it's now 1902, and 86 taken from 1902 leaves 1816, the time of her birth? A Certainly.
- Q So she was not married in 1816? A No sir.
- Q Do you know when she was married? A No sir, I don't.
- Q Do you think she was married in 1830? A I think so.
- Q At the age of fourteen? Did she have children then? A All of her children was born there in Chickasaw County.
- Q Do you know whether your mother, who was born in 1816, was living in Mississippi in 1830 when that treaty was made and was married then and had a family, that is, was the head of a family then? A I don't recollect.
- Q If you don't know that she had a family there at that time, do you know whether she was living with her mother in Mississippi at that time, so as to show that her mother, whose name was Dulaney, was married and living in Mississippi in 1830 and the head of a family there then? A Her mother was living there then. Of course I-----
- Q How which of these two women, your mother or her mother, had a family of children in Mississippi in 1830, if you know? This is rather an important point and I would like to establish it if I could? A Yes sir, as the fellow says: I want to swear the truth, and I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830?
- A No sir, 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 Mississippi, take land there and become citizens of the states?
- A No sir, my mother didn't.
- Q Did any of your Choctaw ancestors, to your knowledge, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know sir, I think so. Tom Cheate I think came from there; he was a cousin of mother's.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors in any way comply with article fourteen of that treaty that you know of? A Not that I know of.
- Q You can't tell how much Choctaw blood this Dulaney had?
- A My grandmother was full blood; my mother was quartered.
- Q Full blood? A Yes sir.
- Q Did she speak the Choctaw language? A My mother did.
- Q Your grandmother? A I reckon so.

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- Q Did your mother speak the Choctaw language? A Yes sir.
Q Do you speak it or understand it? A No sir.
Q You don't know how old this grandmother would be if living now?
A No sir.
Q Do you know if she died in Mississippi? A That's what my mother said.
Q She was born, lived and died there? A Yes sir.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama, staying there 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 at that time, 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, complying in that way with article fourteen of the treaty of 1830, whose names Colonel Ward neglected to put upon his list known as Ward's Register. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also went to the state of Mississippi for the same purpose and heard claimants under article fourteen of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians or not? 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, and, furthermore, if he had formerly had land in the old Choctaw Nation which the government had taken from him and sold, 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 to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir, not that I know of.
Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws before you? A Not only what I have heard. My brother I suppose came before it.
Q What was his name? A Robert C. Fuller.
Q Is Robert C. Fuller a brother of yours? A Yes sir.

The case of Robert C. Fuller, M C R 121 is here referred to for the purpose of consolidation.

- Q Who is John C. Fuller, M C R 122? A That's his son.

46.

- Q Who is William H. Faller et al., M C R 1237? A That's his son, R. C. Ss son.
- Q Who is Ida Wallace, M C R 1247? A That's his daughter.
- Q Who is Mattie Rivers et al., M C R 1257? A That's his daughter.
- Q Are there any other relatives of yours who have appeared before the Commission? A Not that I know of.
- Q Do you want to have these cases all considered with yours?
- A Yes sir.
- Q How much time do you think you want in order to furnish other testimony or evidence in this case? A I don't know sir.
- Q Do you think you would want any? A I can have the same witnesses I reckon that my brother had taken.
- Q Has your brother witnesses there in this case? A I reckon so, he had them taken.
- Q Do you think you could get what evidence you want to produce here in support of your claim in twenty days? A Yes sir, I can.

Twenty days time will be allowed this applicant in which to furnish other testimony if he desires to the Commission.

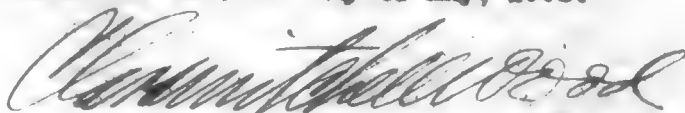
- Q Now is there anything more you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, brown eyes, dark complexion now ruddy from exposure to the sun. This applicant's mustache is a little reddish and black and gray; his whiskers are gray. He says his mustache is tanned to its present color by exposure to the sun; doesn't speak or 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.

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 May, 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.



Subscribed and sworn to before me this 6th day of May, 1902.



Notary Public.

Washington, Indian Territory, May 16, 1902.

Drewry P. Fuller,

Atmore, Okla.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ross C. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Ross C. Fuller, et al.,	M. C. R.	181
John C. Fuller, et al.,	M. C. R.	182
Wm. B. Fuller, et al.,	M. C. R.	183
Ida Wallace,	M. C. R.	124
Mattie J. Rivers, et al.,	M. C. R.	125
Drewry P. Fuller, et al.,	M. C. R.	6512

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

The authority vested in the Commission by the twenty-first section of the act of Congress of June 30, 1899 (30 Stat. APPA 4) is as follows:

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ross

D P P 2

C. Fuller, John C. Fuller, Wm. E. Fuller, Florence Mary Fuller, Wm. E. Fuller (2) Ida Wallace, Mattie J. Rivers, Florence H. Rivers, Ida H. Rivers, Drewry P. Fuller, Everett Fuller, Fleming Fuller, Pat Fuller, John Fuller, Pella Fuller, Robert Fuller, Sallie Fuller, Dick Fuller and Detch Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Robt. C. Fuller for the identification of his wife, Mattie C. Fuller, and the application made by John C. Fuller for the identification of his wife Sallie C. Fuller, and the application made by Wm. E. Fuller for the identification of his wife, Daisy Fuller as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Registered.

Miss. Choctaw 25512

Wartogee, Indian Territory, June 27, 1902.

Drewry P. Fuller,
Amona, Texas,

Dear Sir:

Under date of June 18, 1902, the Secretary of the Interior remanded the records theretofore forwarded in the consolidated Mississippi Choctaw case of Robert G. Fuller, et al., together with the decision of the Commission of May 15, 1902, denying the applications for the identification of the several persons named therein, for a further investigation relative to the rights, if any, the applicants in this case might have as the descendants of the wife of Jack Delaney, the mother of Hannah Fuller, (nee Salency), but whose name is not known in the record in this case.

You are hereby advised that the Commission will, by its meeting of August 1, 1902, receive for its consideration such evidence as may be submitted by the applicants in this case relative to the compliance on the part of the mother of Hannah Fuller, (nee Delaney), with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Yours truly,

Commissioner in Charge.

COPY.

M. C. R. 5513

Muskogee, Indian Territory, February 14, 1903.

Robert G. Fuller,

Annona, Texas.

Dear Sir:

You are hereby notified that on the 2nd day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification, as Mississippi Choctaws of the several persons included in the consolidated case of Robert G. Fuller, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 6 1902

Name *Leroy P. Fuller*

Age *50* — Blood *1/8*

Post-Office, *Annona, Tex.*

Father: *Henry Fuller* d

Mother: *Hannah* " d

Claims through *mother*
wife *Belle Fuller* — l, w

Children: *Everett Fuller*, 18
Fleming " 16
Pat " 13
John " 12
Polle " 9
Robert " 7
Sallie " 5
Wick " 3
Witch " F 4 1/2 m.

Claims for self &
 children

Drewry P. Fuller, et al.

REFUSED

DECISION RENDERED. MAY 16 1902

NOTICE OF DECISION MAILED APPLICANT:

P. 5512

MAY 16 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

02

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT:

MAY 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

FEB 2 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 121

Choctaw MCR 5513

Jesse J. Howerton

by
George W. Howerton

MCR 5513

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification
 of Jesse J. Howerton, et al., as Mississippi Choctaws, H.C.R. 5513.

List of papers forwarded to the Secretary of the Interior,
 comprising the record in the case of Jesse J. Howerton, et al.

	(Page)
Application of Jesse Jackson Howerton, et al., for enrollment as citizens by blood of the Choctaw Nation.....	1
Letter of the Commission addressed to George Howerton.....	3
Decision of the Commission dated October 1, 1900.....	4
Envelope which contained letter and decision of the Commission.....	5
Registry receipt addressed to George Howerton.....	6
Copy of letter of the Commission addressed to George Howerton.....	7
Registry return receipt addressed to George Howerton.....	9
Original application of Jesse J. Howerton, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	10
Testimony of Mary F. Grunk.....	16
Testimony of Hiram V. George.....	18
Testimony of Mary Jane George.....	19

Joint affidavit of G. V. Howerton, Dock Crank and
J. H. Starns

Decision of the Commission refusing the application
of Jesse J. Howerton, et al., applicants for iden-
tification as Mississippi Chestnuts

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 16, 1900.

In the matter of the application for the enrollment of Jesse Jackson Howerton et al for enrollment as Choctaws; George Howerton being sworn and examined by Acting Chairman Dixie testifies as follows:

- Q What is your name? A George Howerton.
Q What is your age? A Thirty-seven.
Q What is your post-office address? A Lone Grove.
Q You live in the Indian Territory? A Yes sir.
Q How long have you lived here? A About eighteen years.
Q Are you a white man? A Yes sir.
Q In whose behalf do you make application now? A My children.
Q What are their names and ages? A Jesse Jackson, six years old; Nathan Wesley, four years old.
Q Are you the father of these children? A Yes sir.
Q What is their mother's name? A Minnie Howerton.
Q Is she living? A No sir, dead.
Q How old was she? A She was twenty-seven.
Q Did she claim to be a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did she claim to have?
A One-sixteenth.
Q Was her name ever on the Tribal rolls? A No sir.
Q Did she ever apply to the Tribal authorities for enrollment?
A No sir.
Q Was she ever recognized as a Choctaw Indian? A No sir.
Q Have these children ever been recognized as Choctaw Indians?
A No sir.
Q What proportion of Choctaw blood do they claim to have?
A About one-thirtysecond.
Q Where were you married? A I was married at Dixie, Indian Territory.
Q Under Choctaw or Chickasaw law? A No sir, I was married under United States law.
Q Was this in the Chickasaw Nation? A Yes sir.
Q You didn't marry under the Chickasaw law? A No sir.
Q She was a Choctaw residing in the Chickasaw Nation was she?
A Yes sir.
Q How long have these children lived in the Indian Territory, all their lives? A Yes sir.
Q What do they claim to be, Choctaws by blood or Mississippi Choctaws? A Choctaws by blood.
Q Did you ever apply to the Dawes Commission, or did they?
A No sir.
Q Or did their mother, for their admission? A No sir.
Q This is the first time you have ever applied to either the Tribal authorities or the Dawes Commission for the enrollment of these children is it? A Yes sir.
Q What is the name of the mother of your wife? A Mary Crunk.
Q She claims to be a Choctaw? A Yes sir.

The enrollment of these children as Choctaw Indians by blood is refused, for the reason that their names do not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony and the records that they have never been recognized by the lawfully constituted authorities of the Choctaw Nation as citizens of said Nation, and for the further reason that they were not admitted to citizenship by the Commission to the Five Civilized Tribes when acting under the law of Congress of June 10th 1898, or by a judgment of the United States Court, in the Indian Territory.

H. E. Green, being first duly sworn, states that as

Jesse Jackson Howerton et al 22

stenographer to the Commission to the Five Civilized Tribes as reported the foregoing case, and that the above and foregoing is a fully true and complete transcript of his stenographic notes taken in said case.

M. J. Howerton

Subscribed and sworn to before me this 6 day of July 1900.



Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ruskogee, I. T., May 5th, 1902.

#6513.

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In the matter of the application made by George W. Howerton for the identification of his two minor children, Jesse J. Howerton and Nathan W. Howerton, as Mississippi Choctaws.

Applicants represented by S. Heard, Attorney.

George W. Howerton, being first duly sworn, testified in reference to this application for his two minor children, as follows:

Examination by the Commission:

- Q What is your name? A George W. Howerton.
Q You make application do you for your two minor children?
A Yes sir.
Q You are a white man? A Yes sir.
Q Their mother is dead? A Yes sir.
Q Your full name is George W. Howerton is it? A Yes sir.
Q You are a white man? A Yes sir.
Q You make application for two minor children? A Yes sir.
Q What is your age? A I am thirty-seven years old.
Q What is your nationality--your blood--white? A Yes sir.
Q You married a woman who had Choctaw blood? A Yes sir.
Q What is your post office address? A Jester is my post office.
Q Indian Territory? A Yes sir.
Q You are the father of these children? A Yes sir.
Q What was their mother's name? A Minneola Howerton.
Q She's dead? A Yes sir.
Q You haven't married since her death? A No sir.
Q Through whom do these children claim their right to be identified as Mississippi Choctaws? A Through Mary F. Crunk.
Q Through your wife Minneola Howerton isn't it? A Yes sir.
Q Minneola Howerton's maiden name was Minneola Crunk? A Yes sir.
Q Was Minneola Howerton, whose maiden name was Crunk, ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q What was the father's name of Minneola Crunk? A Dock Crunk.
Q Do you know the full name? A That's the full name.

- Q He's dead? A No sir.
- Q What was the mother's name? A Mary F. Crunk.
- Q She's living? A Yes sir.
- Q Which had the Choctaw blood? A Mary F. Crunk.
- Q The mother of Minneola? A Yes sir.
- Q How much Choctaw blood did Minneola Crunk have? A I don't know.
- Q Did she get her Choctaw blood from Dock Crunk or her mother Mary F.? A Her mother Mary F.
- Q How much Choctaw blood did she have? A I don't know.
- Q You come before the Commission to-day do you not for the purpose of presenting the claim of your two children who are the children of your deceased wife, Minneola, for identification as Mississippi Choctaws? A Yes sir.
- Q What is the name of your children? A Jesse J. Howerton.
- Q How old is Jesse? A Eight years old.
- Q Boy? A Yes sir.
- Q What is the name of the next child? A Nathan W. Howerton.
- Q How old? A Six years old.
- Q Was Minneola Crunk the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q They claim their Choctaw blood through her? A Yes sir.
- Q You can not tell how much blood she claimed? A No sir.
- Q Or how much is claimed for these children? A No sir, I can't tell you.
- Q Have either of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Has any one ever made application for the admission of these children as citizens of the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Why, no sir they have not made any to the Choctaw tribe.
- Q Has any one ever made application for the citizenship or enrollment of these children as members of the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1886? A No sir, there wasn't any application put in at that time.
- Q Has application ever been made by any person--yourself or any body else--to the Dawes Commission since that time for citizenship in the Choctaw Nation? A Why, two years ago I put in application before the Dawes Commission.
- Q You put in application yourself? A Yes sir.
- Q Where did you make that application? A At Colbert.
- Q Indian Territory? A Yes sir.
- Q Do you know what was done with that application made at that time? A No sir.
- Q Did you ever receive word in any way that it was rejected? A Why no, I have never received any word of being rejected.
- Q Did you ever receive a copy of the judgment in this case refusing the application of these children? A No sir, I have never received any notice except two letters written from the Commission.
- Q What did these letters state in reference to the case?

#3.

A One was requiring me to send an affidavit in support of the children and the other one was requiring me to come to Muskogee to meet the Commission here.

The records in the possession of the Commission show that judgment was rendered in this case against the application of these two children and a copy mailed to the applicant. The notification on the jacket of the records of this case show that this was done October 1, 1900.

- Q Didn't you ever receive any notice? A No sir, I never received any notice until the 12th of March was the first notice I have ever gotten from the Commission.
- Q Well do you now want to make the application that you made for these children for enrollment as Choctaw Indians at Colbert, Indian Territory, June 16, 1900, a part of this case in order that the records filed in that application may be used in the present application made by you now for them for identification as Mississippi Choctaws? A Why, I suppose use the evidence.
- Q You would like to use the evidence in that case? A Yes sir, it must have been a mistake in me or the Commission one in making it by bleed there, for I think it was my intention to make the application for Mississippi Choctaw there.

The case entitled "Jesse J. Howerton et al., vs. Choctaw Nation is here referred to and the evidence therein is made a part of the record in this case; the number of their application made at that time is 629.

- Q What was the name of the mother of Minneola Crunk? A Mary Felisha Crunk.
- Q What was her maiden name? A Mary Felisha Hunter.
- Q And her children were Minneola Crunk who married Howerton?
- A Yes sir.
- Q And who had these two children Jesse J. Howerton and Nathan W? Howerton, is that right? A Yes sir.
- Q And other children of Mary Felisha Crunk were Sallie Crunk who married Lennie Berry? A Yes sir.
- Q Silas Crunk age nineteen? A Yes sir.
- Q Johnnie Crunk? A Yes sir.
- Q Age seventeen? A Yes sir.
- Q Dee Crunk? A Yes sir.
- Q Age fourteen? A Yes sir.
- Q Bird Crunk? A Yes sir.
- Q How old? A He's now about eleven years old now I think; I don't know exactly his age.
- Q What is the name of the next? A Ralph Wick.
- Q How old? A He's nine years old.
- Q The next? A Hemer.
- Q How old is Hemer? A Six years old.
- Q Is that all? A Yes sir.
- Q Have these people made application to be identified as Mississippi Choctaws do you know? A Yes sir, that's my understanding.

- Q Have these children ever been enrolled upon the rolls of the Choctaw Indians or recognized as Choctaw Indians by the Choctaw tribal authorities? A The Howerton children or the Crunk children are you speaking of?
- Q I mean Jesse J. Howerton and Nathan W. Howerton? A No, not so far as I know.
- Q Has any one ever made application for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, not to the Choctaw Tribes.
- Q These children claim through their mother do they? A Yes sir.
- Q Do you know whether their mother has ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
- Q Has any one ever made application for them for citizenship in the Choctaw Nation to the Dawes Commission previous to the application that you have already stated was made for them in 1900? A Yes sir.
- Q And none has been made since? A None till this.
- Q This present application? A Yes sir.
- Q Do you now come before the Commission to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I don't claim to understand it.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830. Before that treaty was made it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty, then the treaty became ratified after it was signed; it was ratified on the 24th day of February, 1831. It reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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 entitled to any portion of the Choctaw annuity."

- Q These children are living with you at your home at Foster, Indian Territory, aren't they? A Yes sir.
- Q Do you think you understand that article of that treaty?
A I don't understand it much.
- Q Do you think you understand it well enough to claim under it for these children? A Yes sir.
- Q You understand the purposes and object of the treaty do you not?
A Yes sir.
- Q And of article fourteen in it to protect the interests of Mississippi Choctaws; you understand that part of it I suppose?
A Yes sir.
- Q What is the name of the ancestor of these children through whom you claim for them the right to be identified as Mississippi Choctaws? A The old Choctaws---John F. Hunter.
- Q What relation to the children is he? A He's their great-grandfather.
- Q How much Choctaw blood did he have? A I couldn't tell you.
- Q Did he live in Mississippi? A Yes sir, that's the best that I would know through the family; he lived in Mississippi when he was small.
- Q Did he live there in 1830? Seventy-two years ago? A Why, as well as I can recollect I have heard the elder people speak of him coming away from there something about that time.
- Q You think he lived there in 1830? A Yes sir.
- Q Did he have a family there then? A No sir, he had no family there then.
- Q Do you know whether he claims through his father or mother?
A Father.
- Q Did his father have a family in Mississippi in 1830?
A Yes sir, as far as I know is through what I have heard the elder ones talk.
- Q What was his father's name? A I believe they called him--- William P. Hunter I believe was his name.
- Q William P. he was your great-great-grandfather? A Yes sir.
- Q Do you know how much Choctaw blood he had? A Why, no sir I don't.
- Q What I want you to furnish the Commission at this point is the name of a Choctaw ancestor of these children who lived in Mississippi in 1830, or in Alabama in the old Choctaw Nation, and who was at that time at the head of a family in the old Choctaw Nation? A Yes sir, well this William P. Hunter was the---
- Q You think it was William P. Hunter? Your great-great-grandfather? A No, the children's ---the children's great-great-grandfather.
- Q And not yours? A No sir.
- Q Did any of the Choctaw ancestors of these children comply or attempt to comply in any way with article fourteen of the treaty of 1830? A Why, I have no way of knowing for certain whether they did or not, but through the elder ones, if I understood the treaty right, those that came away from Mississippi along about

the time that agreement was made and so on and came to the Choctaw Nation, complied or came as nigh complying with the article as possible.

- Q In what way did they try to comply? A He came to the Choctaw Nation along about the time-----
- Q Didn't stay in Mississippi? A No sir.
- Q When did he come here? A Well, I don't know; I couldn't say; it was along about--I have heard people speak of coming away sometime near the removal of the Choctaws, or sometime later on may be; I am not positive.
- 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, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I couldn't tell you.
- Q Did any of the Choctaw ancestors of these children go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Why, along about that time; I don't know just exactly what time, but it was along about that time that W. P. Hunter---
- Q William P. you think went about that time? A Yes sir.
- Q But you don't know the date? A No sir.
- Q Did any of the Choctaw ancestors of these children own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, under that treaty, 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 of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a good many Indians who held land in Mississippi, upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians and as a result of those complaints Congress appointed a Commission in 1837, under an act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23rd of that year, Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of the Choctaw ancestors of these children were before either of these Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know it.
- Q Did any of their ancestors receive any scrip or certificates from the government issued under 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 to replace land which the government had taken from them in the old Choctaw Nation and sold?

- A No sir, I never heard anything about it.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws previous to the application you make for these children? A Why the children has relation that has made application.
- Q As Mississippi Choctaws? I mean the same as you are making now; not what was made before? A Why, their grandmother made application; if I understand you right, why if the children have any relation that have made application.
- Q What was their grandmother's name? A Mary F. Crunk.

Time for the offering of further testimony is waived by the applicant and his counsel, Judge Heard.

Applicant excused.

Mary F. Crunk, being first sworn as a witness, testified as follows:

- Q What is your name? A Mary F. Crunk.
- Q Mary Felisha? A Yes sir.
- Q Have you made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q Where? At Atoka? A Yes sir.
- Q You claim through J. F. Hunter do you not? A Yes sir.
- Q What relation was he to you? A John F. Hunter he's my father.
- Q How much Choctaw blood did he have? A Quarter.
- Q And you claim how much? A One-eighth.
- Q Your maiden name was Hunter? A Yes sir.
- Q You have heard the testimony of George W. Howerton, have you not, made by him in behalf of his two children, Jesse J. Howerton and Nathan W. Howerton; is it true as far as you heard?
- A Yes sir.
- Q He married your daughter did he not? A Yes sir.
- Q What was her name? A Minneola Crunk.
- Q She's now dead? A Yes sir.
- Q Can you state anything in addition to the statement made by the father of these children as to their being Choctaw Indians?
- A Not that I know of.
- Q How much Choctaw blood do you say these children have?
- A Well, I don't know.
- Q Do you know how much Choctaw blood your father had? A Yes sir.
- Q How much? A He was a fourth I reckon.
- Q How much do you have? How much did you say when you appeared before the Commission? A One-eighth.
- Q You claim one-half of what your father had? A Yes sir.
- Q If you, the mother of Minneola Crunk, had one-eighth, would she have one-half of what you have? A I don't know.

#8.

- Q She claimed all her Choctaw blood through you didn't she?
A Yes sir.
Q Well, one-half of one-eighth is one-sixteenth; that's a mathematical fact you know. Now you are sure you had one-eighth?
A Well, I reckon I did.
Q Well, you can be equally sure that your daughter Minneola would have one-sixteenth. Now, if Minneola Crunk your daughter had one-sixteenth Choctaw blood, which she would have if you had one-eighth, these children, Jesse J. and Nathan W. Howerton, would have one-half of what their mother had? A Yes.
Q Do you know how much one-half of one-sixteenth is? A One-half of one-sixteenth.
Q What fraction would that be? A I don't know.
Q It would be one-thirty-second. Therefore, these children have one-thirty-second haven't they, if you are right about what you have? A Yes sir.
Q Do you know whether J. P. Hunter, your father, lived in Mississippi in 1830? A Yes sir, I reckon he did.
Q Did he have a family there then? A No sir.
Q He was too young to have a family? A Yes sir.
Q How did he claim through his father or his mother? A Through his father I reckon.
Q What was his father's name? A His father was William P. Hunter.
Q Did his father live in Mississippi in 1830? And had a family there then? A Yes sir.
Q You know that how? A Well, I have been told so.
Q Then this claim for these children, Jesse and Nathan, is through William P. Hunter your grandfather isn't it? A Yes sir.
Q Who lived in Mississippi in 1830 and had a family of children there then, in other words, he was the head of a family there then? A Yes sir.
Q Do you know whether William P. Hunter, your grandfather, complied in any way or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know/
Q Do you know whether he ever owned any land in Mississippi or Alabama which he claimed under article fourteen of the treaty of 1830? A No sir, I don't know.
Q Don't know whether he complied or attempted to comply with article fourteen of that treaty? A No sir.
Q Did he go before the Commission of 1837 or 1842 and claim benefits under either of them as Choctaw Indians under article fourteen of that treaty? A I don't know.

Examination by B. Heard, attorney:

- Q You say your father had one-fourth Choctaw blood? A Yes sir.
Q Do you know at what time he left Mississippi? Did he come over with the Choctaws over here? A Who? My father?
Q Yes? A Why yes, I reckon he did.
Q That's been information in the family? A Yes sir.
Q How long has he been dead? A He's been dead nearly four years.
Q Do you know if he ever lived in the Choctaw Nation and came over west of the Mississippi river? A I don't know.

Examination by the Commission:

- Q How much Choctaw blood did your grandfather have? A One-half.
 Q Do you speak the Choctaw language? A No sir.

Witness excused.

Mary F. Crunk, witness, recalled.

- Q As the grandmother of these children you are two generations removed from them are you not? A Yes sir.
 Q How do these children look as much like Choctaws as you? Are they as dark? Have they as dark hair? A No, not hardly.

This witness, Mary F. Crunk, who is the grandmother of these children, has light brown eyes, hair almost black, little faded now as she claims, dark complexion, but she says she has been out in the sun quite a good deal, she doesn't speak the Choctaw language and states that her grandchildren are not as dark as she.

Witness excused.

Hiram W. George, being sworn as a witness, testified as follows:

- Q What is your full name? A Hiram W. George.
 Q What is your age Mr. George? A Fifty-five.
 Q What is your post office address? A Pine, Choctaw Nation.
 Q How long have you lived at Pine? A I have just moved there--- since February.
 Q Are you related to these children for whom application is made to-day? A Well, no sir.
 Q Are you a white man or part Indian? A I am a white man.
 Q You are not a claimant for any rights in the Choctaw Nation or any other Nation? A No sir.
 Q What do you know about these children having Choctaw blood?
 A Well, I knew the children ever since they was infants and knew their father since November '69.
 Q Well now what do you know about their having Choctaw blood?
 A Well, the old man, John F. Hunter, always claimed Choctaw blood and looked like a Choctaw Indian; had ways like them and language and people always spoke of him as being a Choctaw Indian by blood.
 Q That is the grandfather of these children? A Yes sir.
 Q John F. Hunter? A Yes sir.
 Q When did he die? A He's been dead about three years.
 Q Three years ago? A Yes sir.
 Q You know his daughter Mary Felisha Crunk? A Yes sir.
 Q Well does she look as much like a Choctaw Indian as her father did? A No sir.
 Q There is a great deal of difference in the appearance of the

#10.

different members of the same family where Choctaw blood is claimed; some look very dark and some look very light. How did he--John F. Hunter--look particularly dark? A Yes sir, he was pretty tolerably dark; wore long black hair always.

Q Any brown shade in it? A Not a particle, it was black.

Q What color was his eyes? A His eyes were black; cheek bones high.

Q Did he speak Choctaw? A Yes sir.

Q Did you know when he was speaking Choctaw? A Yes sir, speak Choctaw and Chickasaw both.

Q How could you tell then? A I can talk a little of them. I have lived among the Indians for about thirty years, and I have been with him in the Choctaw Nation when he would talk Choctaw with them.

Q Do you know anything about their having come from Mississippi?

A None only the old man John F. Hunter.

Q You heard him say so? A Yes sir.

Q When did he leave there? A In 1831 or 2; somewhere along there.

Q Did he tell you that? A Yes sir.

Q Was he removed at the expense of the government? A I don't know sir whether he was or not. I have heard him speak of old Choctaw Indians that he knew back there when he was a boy; told their names and asked other Indians about them.

Q Ever hear him say anything about the treaty of Dancing Rabbit Creek in Mississippi? A No sir, if I did I don't remember.

Examination by S. Heard, attorney:

Q Was it in '69 you became acquainted with him? A Yes sir, November '69.

Q Did you give to Judge Sawyer the color of his skin? What was the color of his skin? A Dark brown; he was as dark as---- well, I have seen half breeds and three quarters about like him; he looked to me about one of those half breeds.

Q High cheek bones? A Yes sir.

Q When did you say he died? A About three years.

Q Do you know these children? A Yes sir.

Q You know them to be descendants of this John Hunter?

A Yes sir.

Witness excused.

Mary Jane George, being sworn as a witness, testified as follows:

Examination by the Commission:

Q What is your full name? A Mary Jane George.

Q What is your age? A Forty-six years old.

Q Where do you live? A Live in the Choctaw Nation.

Q What post office? A Pine.

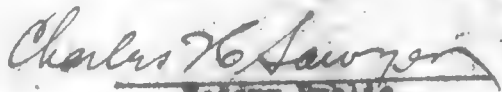
- Q How long have you lived there? A Ever since about the fifteenth of February.
- Q Are you acquainted with these two children, Jesse J. Howerton and Nathan W. Howerton? A No sir, I have never seen the children but I have seen their parents.
- Q Were you acquainted with their mother Minneola Howerton?
A Yes sir.
- Q You knew her before she was married, when she was called Minneola Crunk, and after her marriage to George Howerton?
A Yes sir.
- Q How many years have you known her? A All her life.
- Q How old was she when she died? A I don't know exactly.
- Q Well, was she middle age, or an old lady or a young lady?
A Why she must have been twenty-eight I reckon; don't think she was over that; may be not that old.
- Q What do you know about her having Choctaw blood? A Well, I know that her grandfather always claimed to have Choctaw blood.
- Q Her grandfather? A Yes sir.
- Q You mean John F. Hunter? A Yes sir.
- Q Did he look like an Indian? A He looked more like an Indian than a white man.
- Q Could he talk the Indian language? A Yes sir.
- Q How do you know it? A I heard Indians talk and I heard him talk.
- Q Sounded like Indian? A Yes sir.
- Q Who did he talk that language to? A He talked to us.
- Q You couldn't understand? A Well, he would tell us what it was.
- Q And you think he talked the Indian language? What language was it? Chickasaw, Choctaw, Seminole or what? A Choctaw.
- Q Did you ever hear the other languages talked? A Yes sir.
- Q What was the color of his eyes? A Black.
- Q Of his hair? A Black.
- Q Curly? A No sir, straight.
- Q His features heavy and thick? A Yes sir.
- Q And not thin? A No sir.
- Q Do you know whether he came from Mississippi or not?
A Nothing more than his word; he always told me he did; I knew him a long time.
- Q Did he say when he came from there? A Yes sir.
- Q How old a man was he? A About seventy-six years old or eight when he died.
- Q And he died how long ago? A I think it was four years this summer.
- Q He would have been about eighty-two now? A I don't know.
- Q Seventy-eight and been four years ago would be eighty-two.
- Q Do you know when he came from Mississippi? A I think it was in '81 or '82.
- Q Was he moved by the government at the expense of the United States government? A I couldn't tell you.
- Q Do you know whether he or any of the Choctaw ancestors of these two children--Howerton children--complied or attempted to comply in any way with article fourteen of the treaty of 1830?
A No sir.

#12.

- Q You don't know anything about their compliance or anybody's compliance with it for that matter? A No sir.
- Q Are these children light or dark? A They are dark.
- Q Have any of them blue eyes? A No sir, both got dark eyes.
- Q And medium dark brown hair? A Yes sir.

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 May, 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.


Subscribed and sworn to before me this 14 day of May, 1902.


Notary Public.

Muskogee, Indian Territory, October 1, 1900.

Mr. George Howerton,

Lone Grove, Indian Territory,

Dear Sir:

There is inclosed you herewith a copy of the judgment of the Commission, denying the application for enrollment of yourself and minor children as citizens by blood of the Choctaw Nation.

Yours truly,

Acting Chairman.

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

In the matter of the application of George Howerton for the enrollment of his children, Jesse J., and Nathan W. Howerton as citizens by blood of the Choctaw Nation.

The applicant, George Howerton, appeared before the Commission at Colbert, Indian Territory, June 16, 1900, and there made application for the enrollment of his children, Jesse J., and Nathan W. Howerton, 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 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

The application of George Howerton for the enrollment of his children, Jesse J., and Nathan W. Howerton, as citizens by blood of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSIONER.

Acting Chairman.

Muskegee, Indian Territory, Oct. 1, 1900.

COPY:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification of Jesse J. Howerton, et al., as Mississippi Choctaws, H.C.N. 6513.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by George W. Howerton for his two minor children Jesse J. and Nathan W. Howerton under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 493):

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

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William P. (or W. P.) Hunter, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and whose Indian name

is given as Pisacchabe.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 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 said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William P. (or W. P.) Hunter (or Pisacchabe) 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., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse J. Howerton and Nathan W. Howerton as Choctaw Indians entitled to rights in the special lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty, and
that the application for their identification on such should be
refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

James Bixby

Special Agent

SIGNED

F. B. Needles

Commissioner

SIGNED

C. D. Brantley

Commissioner

Washoe, Indian Territory,

APR 11 1908

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

In the matter of the application of George Howerton for the enrollment of his children, Jesse J., and Nathan W. Howerton as citizens by blood of the Choctaw Nation.

The applicant, George Howerton, appeared before the Commission at Colbert, Indian Territory, June 16, 1900, and there made application for the enrollment of his children, Jesse J., and Nathan W. Howerton, 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 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

The application of George Howerton for the enrollment of his children, Jesse J., and Nathan W. Howerton, as citizens by blood of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSIONER.



Acting Chairman.

Muskogee, Indian Territory, Oct. 1., 1900.

March 1, 1902

McMurtre, Indian Territory, April 1, 1902

George Herberton,

Homogrove, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of the affidavit of G. W. Herberton, Deak Camp 2, Ft. Stoggs and T. E. Ross, Jr., evidently forwarded to this Commission in response to our communication of March 15, 1902, in which you were notified 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 your two minor children, Jesse J. and Nathan W. Herberton, are entitled to be identified as Chickasaw Indians under the provisions of the twenty-first section of the act of Congress of June 30, 1898.

Such affidavit alleges that Nathaniel Wesley and Jeddie Jackson Herberton are the descendants of Choctaw Indians who reside in Mississippi and complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 and the same has 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 your children claim as the descendants of Choctaw Indians who complied or attempted to comply with the provisions

0-12

visions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation, it will be necessary for their parents, through whom they claim their Choctaw blood, to personally appear before the Commission with such witnesses as it may be desired to present in support of said allegations.

You are further advised that thirty days from this date will be allowed within which to submit such evidence, and if at the expiration of that time no personal testimony substantiating the allegations in the affidavit 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 the rights of your said children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be fully made known to you when rendered.

Yours truly,

Commissioner in Charge

Register

N.C.A. 5613

COPY.

Copy, April 11, 1903.

George W. Howerton,

Foster, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jesse J. Howerton, et al., applicants for identification as Mississippi Choctaws.

This application was 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 Jesse J. Howerton and Nathan E. Howerton as Choctaw Indians entitled 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
box together with such arguments will be forwarded to the Secretary
of the Board of Indian Affairs, the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Registered.

M.C.R. 5515

ary, April 11, 1903.

E. Heard,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jesse J. Howerton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress, 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 Jesse J. Howerton and Nathan W. Howerton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 11, 1903.

Manefield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jesse J. Howerton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress, 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 Jesse J. Howerton and Nathan W. Howerton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty; and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jesse J. Howerton, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 11, 1903.

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

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Mary F. Grunk, et al., decision in which was rendered by the Commission on May 13, 1902, and forwarded to the Department on May 18, 1902.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. 1 H.C.R. 6513.

D.C. 30245-1903.

(COPY)

J.W.H. VHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 5164-1903.
L.R.S.

October 27, 1903.

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

Gentlemen:

April 27, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Jesse J. Howerton (M.C.R. 5513) and Nathan W. Howerton, including your decision of April 11, 1903, refusing to identify them as such.

The applicants in this case are the children of Mrs. George W. Howerton, formerly Minnieola Crunk, now deceased. She obtained her Choctaw blood from her mother, Mary F. Crunk, who was the grand-daughter of a one-half blood Choctaw named William P. Hunter, alias Piscechabe, her descent from him being traced through her father, John F. Hunter, who was born about 1820, and who removed from Mississippi to the Choctaw Nation about 1831 or 1832.

(Reference is here made to the Mississippi Choctaw case of Mary F. Crunk, M.C.R. 104, the applicants in which trace

their descent from John P. Hunter and William P. Hunter, relative to which the Department wrote you June 17 and August 13, 1902.)

It does not appear from the testimony furnished by the applicants, or from the records in your possession or from those in the possession of the Indian Office, that any of the ancestors of these applicants ever complied or attempted to comply, in any way, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter June 18, 1903, the Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

Refer in reply to the following:

Land
27848-1903.

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

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George W. Howerton for the identification of himself and his two minor children Jesse J. and Nathan W. Howerton, as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of the 14th article of the treaty of 1830.

On April 11, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation by reason of having complied with the provisions of said article 14.

The office has examined the record evidence and finds that these applicants claim to have inherited their Indian blood from ancestors named as follows: Minnaola Howerton, Mary F. Crunk or Mary Felisha Hunter, John F. Hunter and William P. Hunter, whose Indian name is given as Piscocahabe, but neither said record evi-

ence nor an examination of the records in this office show that any person by either of the above names has ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1850, or secured patent or scrip for land thereunder. By reason of the premises the office considers said decision of the Commission correct and recommends that it be affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

WCB-R.

OPY.

M.C.R. 5513.

Muskogee, Indian Territory, November 5, 1903.

Jesse J. Howerton,

Foster, Indian Territory,

Dear Sir:

You are hereby notified that on the 27th day of October, 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 Jesse J. Howerton, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY.

M.C.R. 5513.

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney at Law,

Ada, Indian Territory,

Dear Sir:

You are hereby notified that on the 27th day of October, 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 Jesse J. Howerton, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY.

M.C.B. 5513.

Muskogee, Indian Territory, November 5, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 27th day of October, 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 Jesse J. Howerton, et al., of which decision you were advised on the 11th day of April, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

629

Evidence

"Nathan Wesley"

"Jesse Jackson"

Jugt

"Nathan W."

"Jesse J" _____

For Identification as a Mississippi Choctaw.

Date

MAY 6 1902

Name George W. Newerton
 (w) makes app. for 2 minors.
 Age 37 Blood white

Post-Office, of father, Foster, D. G.
 of children

Father: George W. Newerton
 of children

Mother: Minneola " (d)

children
 Claims through their mother, whose
 name was Minneola Crunk,
 father of Minneola Crunk,
 next Crunk — L.
 mother — Mary F. Crunk L.
 Choct. blood of Minneola
Crunk, don't know.

Children:

Jose J. Newerton — 8
Nathan W. " — 6

~~Appl. app. No 629.~~

Claims for 2 minor
 children —

Stenographer

A. V. McMillan

Choctaw MCR 5514

Robert Berryman

See MCR 131

MCR 5514

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of
Robert Berryman et al, for Enrollment:
as a Citizen of the Chectaw Nation.

Cases No. R. 275

Robert Berryman, being first duly sworn, by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A Robert Berryman.
Q How old are you? A 30 years.
Q What is your postoffice address? A Alderson, I T.
Q Do you live there? A I live close to it.
Q How long have you lived at your present home? A Well, where I am
at I have been there one year.
Q How long have you lived in the Ind. Ter.? 18 years.
Q Have you been outside the Territory during that time? A No sir.
Q Where were you born? A Texas
Q How long did you live in Texas before you came to the Ty. A I don't
know.
Q Have you been outside the Ty. during that time? A No sir.
Q Where were you born? A Texas. We lived first one place and then
another.
Q In what states have you lived? A Moved from Texas to Louisiana
Q Then where did you go? A Came to the Ty.
Q What is the name of your father? A Milton Berryman.
Q Is he living? A Yes sir.
Q Is he a Chectaw? A No sir.
Q Is he a white man? A No.
Q What is the name of your mother? A Asallie Berryman.
Q Is she living? A Yes sir.
Q Is she a Chectaw Indian? A No sir.
Q What proportion of Chectaw Indian blood runs in her veins? A She
claims 3/4.
Q Has her name ever been on the Chectaw tribal rolls? A Not as I
know of.
Q What county in the Chectaw Nation does she claim to belong to?
A Tebecknie Co.
Q What county in the Chectaw Nation do you claim to belong to?
A Tebecknie Co.
Q Has your name ever been on the tribal rolls? A No sir.
Q Did you ever apply to the Chectaw Tribal authorities for enroll-
ment as a Chectaw Indian by blood? A Yes sir.
Q When was it? A Four years ago I think.
Q What action did the tribal authorities take in your case at that
time? A They just didn't enroll us.
Q You were rejected, were you? A Yes sir.
Q In what year was it you made the application? Was it in '96? A No.
Q Was it before that? A Since.
Q What year was it? 1897 or '98. You said it was four years ago;
that would be in '96 wouldn't it; this is the year 1900.
Q I don't know what year it was.
Q But you knew you were rejected? A Yes sir.
Q Did you take an appeal to the U. S. Court in the Ind. Ter.? A I
don't know.
Q Did you apply to the Dawes Commission in '96? A Yes sir.
Q What action did the Dawes Commission take?
A We went before the Dawes Commission.
Q Was that four years ago? A I think so.
Q What did the Dawes Commission do? A They didn't allow us?
Q You were rejected? A Yes sir.
Q This time is about the 3d or 4th time you have made application
for enrollment as a Chectaw Indian? A The 3d or 4th time I have
been before them.

2-Robt. Berryman.

- Q What properties of Indian blood do you claim to have? A I don't know.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Rosa.
- Q Do you claim any citizenship for her? A Yes sir.
- Q What do you claim her to be? Is she a Choctaw Indian by blood? A No sir.
- Q Is she a white woman? A Yes.
- Q You claim her to be an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q When were you married? A I was married in Oct., 1893.
- Q Where? Red River Co., Tex.
- Q Under what law? A Texas law.
- Q What is the name of your wife's father? A Kirby.
- Q Is he living? A Yes sir.
- Q Is he not a white man? A Yes sir.
- Q What is the name of your wife's mother? A I don't know.
- Q Is she living? A No sir.
- Q Was she a white woman? A Yes sir.
- Q Have you any children? A Yes sir.
- Q Have you your marriage license and certificate? A No.
- Q What are the names of your children under 21 years of age and unmarried? A H. J. Dridge, 2 years old.
- Q Is there any additional statement you would like to make in regard to your case at this time? A No sir.

By Attorney Pool.

- Q You appeared before the Commission at Muskogee, did you? A Yes sir.
- Q Who was with you down there? Was I and your mother with you? A I didn't appear before them.
- Q Then where did you ever appear before them? Have they ever passed upon your case and told you that they would not receive you? A No.
- Q That is what I wanted to tell you; you said some time ago that they rejected you; they just failed to hear your case, didn't they? A Yes sir.
- Q Do you know why they didn't hear it? A Yes, they wanted \$100 the first time to hear the case, and I didn't have the \$100 and we come down here.
- Q Down where? At this place? A Yes sir.
- Q Was it this commission you came before down here, or was it another Commission? When was that? A Last year.
- Q That was the second time you had been before them? A Yes sir.
- Q That was the Dawes Commission you came before then? A Yes sir.
- Q And you made a statement to them? A Yes sir.
- Q Were you ever before them any more before this time except these two times? A No, not myself.
- Q You went to the Commission one time and they refused to hear your petition because you could not pay \$100? A Yes sir.
- Q The next time you went before the Dawes Commission at Atoka? A Yes.
- Q And this is the third and last time you have applied? A Yes.
- Q I will ask you if you have any improvements where you live? A Yes.
- Q Got a farm? A Yes sir.
- Q Did you make all the improvements? A Yes sir.
- Q They are yours, and your farm is there? A Yes sir.
- Q A selection of land made by you for your home? A Yes sir.
- Q You are residing on it? A Yes sir.
-
- Q How long have you been living there? A I have been living there one year.
- Q Where you are living now? A Yes sir.
- Q How near have you been living there for the 3 years past? A From 2 miles or a mile.
- Q About a year ago you removed from there to where you are now living? A Yes.
- Q You improved the place you are now living on, and it is your homestead home? A Yes sir.

Chectaw No. 2-375

Muskogee, Indian Territory, February 24, 1908.

In the matter of the application of Robert Berryman for the enrollment of himself and his children, Rosie Berryman and Eldridge Berryman, as citizens of the Chectaw Nation.

To Robert Berryman,

Alderson, 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 children are entitled to be identified as Mississippi Chectaws under the act of Congress of June 28, 1898, which provides as follows:

"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-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."

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 Chectaw Indians who resided

N. B., No. 2.

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.

Register.

Commissioner in Charge.

W. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING

Choctaw R 375

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1902.

Robert Berryman,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, replying to our communication of February 25, 1902, notifying you that you would be allowed thirty days from the date thereof within which to submit to the Commission an affidavit corroborated by two witnesses, showing that you and your child 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.

With your letter of the 13th instant, you enclose your affidavit, the affidavit of Sallie Berryman and a certified copy of the affidavit of G. W. Moorehead, in which affidavits it is alleged that you are the descendant of Choctaw Indians who remained in the state of Mississippi and received land under the treaty of 1830.

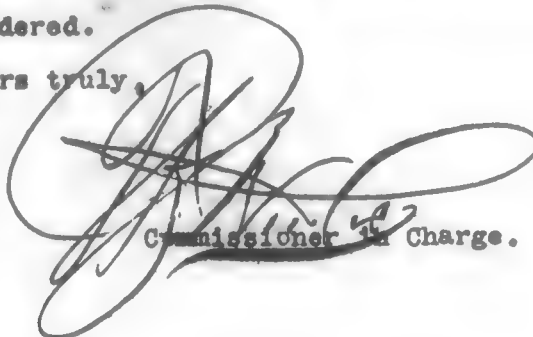
These affidavits have been filed with the records of the Commission and you are now advised that if it is your intention to attempt to prove such rights as you and your children claim as the descendants of Choctaw Indians who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation, it will be

R B 2

necessary for you to personally appear before the Commission with such witnesses as you may be able to secure in support of said allegations.

You are further advised that you will be allowed thirty days from the date hereof, within which to submit 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 the rights of yourself and 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,



Commissioner in Charge.

Register.

U.S.A. 0814.

Managers, Indian Territory, August 21, 1908.

Robert Berryman,

Admission, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of
Roney Berryman and Sallie Berryman relative to the birth of your
infant son, William Rowan Berryman, July 21, 1908.

The affidavits have been accepted as evidence of the
birth of this child, and are filed with the record in your case.

Yours truly,

Asking Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1905.

Robert Berryman,

Alderson, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of February, 1905, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie Berryman, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie Berryman, et al.	M.C.R.	151
Francis Berryman	M.C.R.	729
Australia Rogers, et al.	M.C.R.	4848
Robert Berryman, et al.	M.C.R.	5514

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

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

Robert Berryman,--2

Corrinne Berryman, John Berryman (1), John Berryman (2), Augusta Weston, Francis Berryman, Australia Rogers, Essie Rogers, Oecola Rogers, Ollie Rogers, Robert Berryman, Eldridge Berryman and William Monroe Berryman as Choctaw Indians entitled 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 further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Sallie Berryman for the identification of her husband, Milton Berryman; by Dulcie Berryman, for the identification of herself; by Australia Berryman for the identification of her husband, Alf Berryman, and by Robert Berryman, for the identification of his wife, Rosey Berryman, as 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,

RESIGNED.

Tame P. ...
Acting Chairman.

Registered.

MUR-5514

Wakarusa, Indian Territory, February 21, 1907.

Robert Berryman,
Alderson, Indian Territory.

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 February 12, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Sallie Berryman et al.

Respectfully,

Commissioner.

MEMORANDA.

(Date) June 8 1900

Name Robt. Berryman

Choctaw? yes County Tarrant Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Wife's name Rosa Benzman

Choctaw? ✓ County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? yes Texas

Married under what law?

License filed this day

Names of children:

Names of children:	County	Year	Page	No.
✓ Eldridge Berryman	Tarrant			
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

P.O. Alderson
Father Milton Benzman
Mother Sallie

Refused

For Identification as a Mississippi Choctaw.

Date June 8 1900
Name Robert Perryman

Age 30 Blood 3/16

Post-Office, Alderson I.T.

Father: Milton Perryman ✓

Mother: Cathie Perryman ^{3/4} ✓

Claims through mother
wife Rosa Perryman
claim for wife

Claim for self, wife & child

Children:
Eldridge Perryman 2

Transferred to R 37

Stenographer Francis R Brown



Reg 569



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2477



Robert Berryman,

~~SOUTH BOARDER~~, Indian Territory.

Register to Robert Berryman, South McAlester , I. T.
and return receipt to Choctaw R 375

Choctaw MCR 5515

Birdie Danner

See MCR 2737

MCR 5515

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 8th, 1902.

#5515.

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In the matter of the application of Birdie Danner for the identification of herself and her six minor children, John, Emma, Lee, Ernest, Roy, and Fred Danner, as Mississippi Choctaws.

Applicants not represented by attorney.

Birdie Danner, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Birdie Danner.
Q How many children have you? A Six.
Q All under age and unmarried? A Yes sir.
Q What is your age? A Thirty-one.
Q What is your post office address? A Danner, Texas.
Q Was that place named after some member of your family? A
Named after my husband.
Q How long have you lived there? A We have lived there four or
five years.
Q Where did you live before that? Texas? A Yes sir.
Q Where in Texas? A Near Bonham.
Q Have you always lived in Texas? A No sir.
Q Where were you born? A Tennessee.
Q And from Tennessee did you go to Texas? A Yes sir.
Q How long did you live in Tennessee? A Fourteen years.
Q What place? A Near Kiptonville.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A F. N. Welch.
Q What is your mother's name? A Emily Welch.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A Quarter.
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 by the United States authorities in the Indian
Territory? Has he ever been put on the rolls of the Choctaw
Nation here in the Territory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you? A Yes sir.
Q You have got it here have you? A Yes sir.

#2.

Q Is this a copy? A Yes sir.

Certified copy of the marriage license and certificate of the marriage of W. M. Welch and Emily S. Gee presented by applicant, received, filed and marked Exhibit "A" and made a part of the record in this case.

Q Are you married? A Yes sir.
Q What is your husband's name? A Wiley Danner.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Give me the name of the eldest child that you want to make application for? A John Danner.
Q How old is John? A He's eleven.
Q The next? A Mamma.
Q How old? A Nine.
Q The next? A Lee.
Q How old? A He's seven.
Q The next? A Ernest.
Q How old is Ernest? A Four.
Q Any others? A Ray.
Q How old? A He's two.
Q Any others? A Yes sir, the baby is Fred.
Q How old is Fred? A He's two months old.
Q Is Wiley Danner the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you? A Yes sir.
Q Were either you or your husband married previous to your marriage to each other? A No sir.
Q You claim for yourself and children do you? 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?
A I don't know.
Q You never had your names placed upon the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Dawes Commission under the act of Congress of June 10, 1897? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is this the first application you have ever made to the Dawes Commission for enrollment in the Choctaw Nation? A Yes sir.
Q Never have been here before? A No sir.
Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? You claim under that article of that treaty? A Yes sir.
Q Do you understand it? A No sir, I don't - - -

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing

Rabbit Creek in Mississippi on the 27th day of September of the year 1830. The object of the treaty was to remove 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 not go to the Choctaw Nation, Indian Territory with the other Indians under the treaty, 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. 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."

- Q You understand that now do you? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or in any way attempted to comply with that article of that treaty?
- A Yes sir, two sisters.
- Q Two sisters who have been before the Commission? Well, did any of your ancestors way back there--seventy years ago--comply with that article of that treaty if you knew? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Who is it you are claiming through--grandfather or grandmother or great-grandfather? A My father I guess.
- Q Well you will have to go back further than that, your father was not living seventy years ago; is he seventy-two years old?
- A I don't know, he's very old.
- Q You claim through your father don't you? A Yes sir.
- Q Who did he claim through--his father or mother? A His father I think.
- Q His father? A Yes sir.
- Q What was his father's name? A I don't know.
- Q Well his name was Danner wasn't it? A Welch; my husband's name is Danner.
- Q You don't know his first name? A No sir.

- Q How old is your father now? A Well I don't know his age. He's very old.
- Q Well you can give me some idea. Is he twenty years old or thirty or forty? A My father?
- Q Yes sir? A He's somewhere in seventy.
- Q He's over seventy is he? A Yes sir.
- Q Where was he born? A I don't know; I never heard him say.
- Q Did he ever live in Mississippi? A Lived near the line of Mississippi.
- Q Did he live in Alabama? A No sir.
- Q Did your grandfather Welch live in Mississippi or Alabama? A I don't know.
- Q What ancestor of yours lived in Mississippi or Alabama, whether its your grandfather or great-grandfather or grandmother or any other relatives from whom you are descended? A I don't know.
- Q Well how can you make application as a Mississippi Choctaw if you don't know of any relative who was an ancestor who did live there in Mississippi or Alabama in the old Choctaw Nation? That's one of the essential things that you must prove? No ans.
- Q Do you offer this affidavit signed by Willis Jackson, do you? No answer.

The ex parte statement made under seal and signed by Willis Jackson is received, marked Exhibit "B" and made a part of the record in this case.

- Q Who is Marion Welch? A My father.
- Q That's F. M. Welch is it? A Yes sir.
- Q Well now I ask you the question if your father Marion Welch lived in Mississippi or not? A Yes sir.
- Q And you state you didn't know; don't you know that this person Willis Jackson says in his affidavit that he knew Marion Welch a half breed Choctaw in Mississippi? A He lived near the line.
- Q Well, he says "I knew him in Mississippi and he was a half breed." Didn't you know that your father lived in Mississippi? A No sir, I know he lived near the line of Mississippi.
- Q And you don't know he lived in Mississippi? A No sir.
- Q You don't know that your grandfather Welch lived in Mississippi or Alabama either in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir, I don't know anything about my grandfather.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama 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, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1836? A I don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, own any land or claim any in Mississippi or Alabama in 1836 under arti-

ele fourteen of the treaty of 1830? A I den't know that.

The Indians, Choctaw Indians, who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and the result of his neglect to do this caused a great 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 sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23rd of that year, Congress appointed another Commission for the same purpose. This Commission went to Mississippi also and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A I den't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government, or certificates as they were usually called, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which the government had taken from them in the old Choctaw Nation and sold?
- A No sir.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Have you any kin people or relatives who have been before the Commission previous to your application to make application as Mississippi Choctaws? A Yes sir.
- Q What relatives of yours have been here? A I have two sisters and one half sister.
- Q What is the name of your sister? A Nancy Parker.
- Q When did she come before the Commission? A I couldn't tell you just when; not been very long ago; month or two ago--couple months I guess.
- Q What is your other sister's name? A Willie McClung.

The case of Nancy Parker, M C R 4621 and Willie McClung M C R 4622 is here referred to for the purpose of consolidation.

- Q You want to have your case considered with these do you not?
- A Yes sir.

#6.

- Q Have you any evidence that you want to introduce at this time?
A No sir.
Q Do you care for any time for the introduction of further testimony? A No sir.
Q Do you speak the Choctaw language? A No sir.
Q Your hair is brown is it? A Yes sir, it is brown.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has light complexion, blue eyes, and medium brown hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 8th day of May, 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.



Subscribed and sworn to before me this 14 day of May, 1902.



Notary Public.

COPY.

Muskegee, Indian Territory, February 10, 1903.

Birdie Danner,

Danner, Texas,

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie Savage, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie Savage,	M.C.R. 2737,
Lula Hopkins, et al.,	M.C.R. 2738,
Triona Breshears, et al.,	M.C.R. 2739,
Marion M. Savage,	M.C.R. 2740,
Nancy Parker, et al.,	M.C.R. 4621,
Willie McClung, et al.,	M.C.R. 4622,
John D. Savage,	M.C.R. 5398,
Birdie Danner, et al.,	M.C.R. 5515,
Mattie Danner,	M.C.R. 5516.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Savage, Lula Hopkins, Roy Hopkins, Ida Hopkins, Cora Hopkins, Floyd Hopkins, Triona Breshears, Earl Breshears, Pearly Breshears, Marion M. Savage, Nancy Parker, Thomas Parker, Alpha

B. D. # 2.

Parker, Henry Parker, Jettie Parker, Willie McClung, Charlie McClung, Melvin McClung, John D. Savage, Birdie Danner, John Danner, Emma Danner, Lee Danner, Ernest Danner, Roy Danner, Fred Danner and Mattie Danner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

Registered.

M.C.R. 5818

COPY.

Muskogee, Indian Territory, April 8, 1903.

Birdie Danner,

Danner, Texas.

Dear Madam:

You are hereby notified that on the 30th 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 Sallie Savage, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

N C R 5615

Muskogee, Indian Territory, July 10, 1903.

Hirdie Panner,
Danner, Texas.

Your Request

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was denied by the Department on July 1, 1903, a copy of the letter of the Secretary being herewith enclosed.

Respectfully,

Commissioner in Charge.

MOR 5815

Muskogee, Indian Territory, September 21, 1905.

Birdie Danner,

Danner, Texas.

Dear Madam:

You are hereby notified that the motion filed with the Department for a rehearing in the consolidated Mississippi Choctaw case of Hallie Savage, et al., of which your application is a part, was denied by the Secretary of the Interior on September 14, 1905, as said motion fails to present any matter that has not already been considered in the adjudication of the case.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name Birdie Vanner.

Age 31 Blood 1/4

Post-Office, Vanner, Texas,

Father: F. M. Welch, C
WELCH.

Mother: Emily " C.

Claims through father —
husband Wiley Vanner, w. l.

No claim for husband

Children:

John Vanner	11
Emma "	9
Lee "	7
Ernest "	4
Roy "	2
Fred "	2m

Claims for self & children —

Stenographer a. l. McMillan

Choctaw MCR 5516

Mattie Danner

See MCR 2737

MCR 5516

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 2th, 1902.

4516.

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In the matter of the application of Mattie Danner for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Mattie Danner, being first duly sworn, testified as follows

Examination by the Commission:

- Q What is your name? A Mattie Danner.
Q What is your age? A Twenty-two.
Q What is your post office address? A Danner, Texas.
Q How long have you lived at Danner? A Fifteen years I believe.
Q Where were you born? A Tennessee.
Q And from Tennessee you went to Texas? A Yes sir.
Q Where in Tennessee were you born? A I can't think of the name.
Q Do you remember the county? A No sir, I don't remember.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Welch.
Q Full name? A Maria Welch.
Q What is your mother's name? A Emily Welch.
Q Do you claim through your father? A Yes sir.
Q How is it that your sister Birdie Danner claims through Welch and you also claim through Welch? A We both married Danners.
Q You are married then? A Yes sir.
Q Well, Welch is your own father isn't he? A Yes sir.
Q You are sisters and married brothers? 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 by the United States authorities in the Indian Territory? A No sir.
Q Your sister Birdie Danner who made application on this date has filed a certified copy of the license and marriage certificate of your father and mother hasn't she? A Yes sir.
Q Do you want to have that referred to and made a part of your case? A Yes sir.
Q What is your husband's name? A Will Danner.

- Q He's a white man? A Yes sir.
 Q And is living? A Yes sir.
 Q You make no claim for him? A No sir.
 Q You have no children you want to make application for?
 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 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 or the Choctaw authorities at any time previous to this present application? A No sir.
 Q You never have been admitted to citizenship in the Choctaw Nation have you by any authority whatever? A No sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of that year. The object of the treaty was the removal, as far as possible, of all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river from that nation to the Choctaw Nation, Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty, and in order to protect the interests of these Indians who stayed back there in the old Nation article fourteen was put into the treaty, which reads as follows:

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

Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply in any way with the provisions of article fourteen of the treaty of 1830?
 A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Father.
- Q You claim through your grandfather? A Yes sir.
- Q What was his name? A I don't know-----Welch.
- Q You know his name was Welch, any way? A Yes sir, his name was Welch.
- Q You know his first name? A Isaac I think was the first part of it.
- Q He your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q How old would he be if living now? A I don't know how old.
- Q Did he have a Choctaw Indian name or speak the Choctaw language?
 A I don't know.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation?
 A I don't know.
- Q Do you know of any ancestor who did? A No sir.
- Q Have you any knowledge at all of your ancestors who lived in the old Choctaw Nation there in Mississippi or Alabama and wheth er they lived there in 1830 and were the heads of families there at that time? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know whether they did or not.
- 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 go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or '40? A No sir, I don't know.
- Q Did any of your ancestors of Choctaw Indians within six months after the ratification of the treaty of 1830, 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 don't know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Indian Territory with the other Indians under the treaty, 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 of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both their land and improvements; both were taken from them by the

#4.

government and sold at its public land sales. This caused a good many complaints among the Indians, especially among those who lost their land, and as a result of the complaints that were made Congress appointed a Commission in 1837. 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. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 also.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them and sold? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Have you any evidence that you want to introduce?

The ex parte affidavit of Willis Jackson is presented by this applicant, received, marked Exhibit "A" and made a part of the record in this case.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence except this? A No sir.
- Q Do you care for any time in which to introduce any other evidence or have you introduced now all you care to? A All that I can give.
- Q You don't care for any time? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has grayish blue eyes, light complexion, light brown hair, she has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 8th day of May, 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 14th day of May, 1902.

Charles W. Sawyer

Notary Public.

COPY.

M.C.R. 5516.

Muskogee, Indian Territory, February 10, 1903.

Mattie Danner,

Danner, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie Savage, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie Savage,	M.C.R. 2737,
Lula Hopkins, et al.,	M.C.R. 2738,
Triona Breshears, et al.,	M.C.R. 2739,
Marion M. Savage,	M.C.R. 2740,
Nancy Parker, et al.,	M.C.R. 4621,
Willie McClung, et al.,	M.C.R. 4622,
John D. Savage,	M.C.R. 5398,
Birdie Danner, et al.,	M.C.R. 5515,
Mattie Danner,	M.C.R. 5516.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Savage, Lula Hopkins, Roy Hopkins, Ida Hopkins, Cora Hopkins, Floyd Hopkins, Triona Breshears, Earl Breshears, Pearly Breshears, Marion M. Savage, Nancy Parker, Thomas Parker, Alpha

N. D. # 2.

Parker, Henry Parker, Jettie Parken, Willie McClung, Charlie McClung, Melvin McClung, John D. Savage, Birdie Danner, John Danner, Emma Danner, Lee Danner, Ernest Danner, Roy Danner, Fred Danner and Mattie Danner, as Choctaw Indians entitled 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)

Jams Bixby

Acting Chairman.

Registered.

H.C.B. 8516

COPY.

Muskogee, Indian Territory, April 8, 1903.

Mattie Danner,
Danner, Texas.

Dear Madam:

You are hereby notified that on the 30th 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 Ballie Savage, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

M C R 5516

Muskogee, Indian Territory, July 10, 1903.

Mattie Danner,
Danner, Texas.

Dear Madam:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application made by you for identification as a Mississippi Choctaw, was denied by the Department on July 1, 1903, a copy of the Secretary's letter being enclosed herewith.

Respectfully,

Commissioner in Charge.

McM 38

MCR 5516

Muskogee, Indian Territory, September 21, 1908.

Sallie Danner,
Danner, Texas.

Dear Madam:

You are hereby notified that the motion filed with the Department for a rehearing in the consolidated Mississippi Choctaw case of Sallie Savage, et al., of which your application is a part, was denied by the Secretary of the Interior on September 14, 1908, as said motion fails to present any matter that has not already been considered in the adjudication of the case,

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name Mattie Lanner.

Age 22 Blood,

Post-Office, Lanner, Tex.

Father: Marion Welch L.

Mother: Emily " L.

Claims through father.
Husband
Will Lanner; w. l.
No claim for husband

Added:

Claims for self alone.

Stenographer A. W. McMillan.

Choctaw MCR 5517

Annie Skellenger

See MCR 4514

MCR 5517

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 24th, 1902.

#5817.

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In the matter of the application of Annie Skallenger
for the identification of herself and her two minor children,
George and Henry Skallenger, as Mississippi Choctaws.

Applicants not represented by attorney.

Annie Skallenger, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A Annie Skallenger.
Q Are you married? A Yes sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What is your age? A Thirty.
Q What is your post office address? A Jeffs.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A At Jeffs?
Q Yes? A I have been there, say six months.
Q Where did you live before that? A Krebs.
Q Indian Territory? A Yes sir.
Q How long did you live there? A Two years.
Q How long have you lived in the Indian Territory? A Eight
years I think.
Q Where did you live before that? A Texas.
Q Where were you born? A Born in Texas.
Q Lived there until you went to the Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Leonard.
Q What is your mother's name? A Nancy Leonard.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A Well I don't really know.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A I don't know.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A He's a white man.
Q What is his name? A Sam Skallenger.

#2.

- Q You make no claim for your husband? A No sir.
Q Give me the name of your first child? A George.
Q How old is he? A He's six years old.
Q The next? A Emery.
Q How old is he? A He's four.
Q Is that all the children? A Yes sir.
Q You claim for yourself and children do you? A Yes sir, self and children.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, not that I know of.
Q Were either you or your husband married before you married each other? A No sir.
Q He's the father of these children? A Yes sir.
Q You and he are living together as man and wife? A Yes sir.
Q These children are living with you? A Yes sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Yes sir.
Q You have made application then? A Yes sir.
Q Where? A Here.
Q Well, I mean to the Choctaw tribal authorities? A Well no sir, I misunderstood you.
Q You didn't go to the Choctaw tribal authorities? A No sir.
Q Did you make application for citizenship in the Choctaw Nation in 1896 under the law of that year, June 10, 1896? A No sir.
Q You appeared before the Commission then at a later date did you?
A Yes sir.
Q When did you appear before the Commission to be enrolled?
A November 21, 1900.
Q You haven't made any application since you made this have you?
A No sir.
Q Did you appear before the Commission on November 21st, 1900, at its office in Muskogee and at that time try to make application for enrollment as citizens by blood of the Choctaw Nation of yourself and two minor children? A Yes sir.
Q What was done with that case? Were you rejected at that time?
A Yes sir, we was rejected

Records in the possession of the Commission show that at Muskogee, Indian Territory, on November 21, 1900, the said Annie Skellenger appeared before the Commission and made application for enrollment as citizens by blood of the Choctaw Nation of herself and two minor children; that a decision was rendered by the Commission refusing said application on December 28, 1900, under the act of Congress of May 31, 1900; records further show that said application, together with the decision of the Commission, was on February 15, 1901, forwarded to the Secretary of the Interior for review and that on April 1, 1901, a letter was forwarded to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, from Thomas Ryan, Acting Secretary, in which letter it was stated that the Department concurred in the decision rendered by the Commission. It is further shown that notice dated May 29, 1901, was sent to Annie Skellenger, this applicant, advising her of the action of the Commission and of the Secretary of

#3.

the Interior, and also advising her that such action was final.

- Q You made application for enrollment as a citizen by blood of the Choctaw Nation at that time did you not? A Yes sir.
Q Do you now want to make application for yourself and children to be identified as Mississippi Choctaws? A Yes sir.
Q Do you understand article fourteen of the treaty of 1830?
A Well I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The treaty was made for the purpose of the removal of all of 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 good many Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who preferred to stay in the old Choctaw Nation article fourteen was put into the treaty. It is as follows:

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

- Q Do you understand that article well enough to claim under it?
A Well I don't really know.
Q You understand do you not the provisions of the treaty, that is, that it was to remove the Choctaws from that country?
A Yes sir.
Q And you understand that a good many wouldn't go? A Yes sir.
Q And article fourteen was put into the treaty for them?
A Yes sir.
Q And understand that it required them to do certain things there in Mississippi before they would be entitled to rights of citizenship and land there? A Yes sir.
Q Did any of your Choctaw ancestors comply or attempt in any way

- to comply with the provisions of article fourteen of that treaty? A Well I couldn't tell you. I don't know.
- Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jim Fletcher.
- Q What relation was he to you? A My mother's grandfather.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Do you know of any Choctaw ancestor of yours that did? A No sir, I don't know much about it.
- Q Either in Mississippi or Alabama in the old Choctaw Nation you don't know? A I don't know.
- Q How old would Jim Fletcher be if living now? A Well I couldn't tell you.
- Q You claim through your mother Nancy Leonard? A Yes sir.
- Q How old is she? A Forty-eight.
- Q Where was she born? A Texas.
- Q And always lived in Texas? A No sir.
- Q Well where did she live? A Well I can't tell you because I don't know.
- Q You don't know of any ancestor then who had Choctaw blood who lived in that old Choctaw Nation east of the Mississippi river in 1830? 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 couldn't tell you; 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 they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't tell you that either.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830, if you know? A No sir, not that---well I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, who desired to take advantage of the provisions of article fourteen of the treaty, were required to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and signify to him their intention of remaining in Mississippi, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Indians and as a result of these complaints Congress in 1837, under an act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under that article of

of that treaty. Under an act approved August 23, 1842, Congress appointed another Commission in that year to go to Mississippi and hear claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians?
 A I don't know.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian wanted to prove his claim under article fourteen of that treaty of 1830, and if it further appeared that he had formerly had land in Mississippi or Alabama in the old Choctaw Nation 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 to him. These certificates were called scrip.

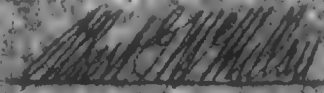
- Q Did any of your Choctaw ancestors receive any such scrip?
 A I don't know that.
 Q Give me the name of the oldest relative you have who appeared before the Commission under the act of Congress of May 31, 1800, when these memorandum applications were made?
 A My mother was the oldest.
 Q What is her name? A Nancy Leonard.
 Q She has applied as a Mississippi Choctaw hasn't she? A Yes sir.
 Q Would you like to have the application of your mother Nancy Leonard et al., whose Mississippi Choctaw application is No. 5244, considered with yours? A Yes sir.
 Q And have all the cases of your other relatives considered under that head? A Yes sir.
 Q Have you any other evidence that you want to present at this time? A Evidence to identify me?
 Q Any other evidence in reference to your application?
 A No sir, I haven't any.
 Q Do you want any time? A To get evidence?
 Q Yes? A Yes sir.

Thirty days time is allowed this applicant in which to furnish other proof if she desires.

- Q Is there anything more you want to say in support of this application? A No sir, I reckon not.

Applicant has the appearance and physical characteristics of being descended from white parentage, she has black hair, gray eyes, medium fair complexion, she doesn't understand the Choctaw language and has no knowledge of the compliance of her ancestors with article fourteen of the treaty of 1830.

Albert S. Hamilton, 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 8th day of May, 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.



Subscribed and sworn to before me this 21 day of May, 1902.



Notary Public.

COPY,

M.C.R. 5517

Muskogee, Indian Territory, February 11, 1903.

Annie Skellenger,

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. 4518
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 Linsay, 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

Annie Skellenger,-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, Annie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Maletia Taylor, Johnnie Hatten, Pearl Hatten, William Hatten, Coke Hatten, George Edward Hatten, Laura 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,

James Dixby.

Acting Chairman.

Registered.

M.C.R. 6517

COPY:

Muskogee, Indian Territory, August 8, 1903.

Annie Skellenger,

Stark, 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,

I. B. Needles.
Commissioner in Charge.

Proof of Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name ~~Archie Skellenger~~ Skellenger

Age 30 Blood Don't know

Post-Office, Jeffs, I. T.

Father: John Leonard, d

Mother: Nancy " l.

Claims through mother —
~~Husband~~ Zura Skellenger l.w.

No claim for husband

Children:

George Skellenger, 6

Emery " 4

to claim for self
and children.

applied before see No 57.
Mem. case.

Stenographer A. E. McMillan.

Choctaw MCR 5518

Margaret Partain

See MCR 4514

MCR 5518

Department of the Interior.
Commission to the Five Civilized Tribes.
Hunklegee, I. T., May 24th, 1902.

45512.

In the matter of the application of Margaret Partain for the identification of herself and her three minor children, Myrtle, Jimmie, and Alenze Partain, as Mississippi Choctaws.

Applicants not represented by attorney.

Margaret Partain, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Margaret Partain.
Q Do you apply for any one beside yourself? A Yes sir, three children.
Q How many? Three? A Yes sir.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Center, Indian Territory.
Q How long have you lived there? A Two years.
Q Where did you live before that? A I lived up about Purcell.
Q How long have you lived in the Indian Territory? A About eight years.
Q How long did you say? A About eight years.
Q Where were you born? A In Texas.
Q And lived there until you came to the Indian Territory?
A Yes sir.
Q Where in Texas did you live? A Coryell County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Leonard.
Q What is your mother's name? A Nancy Leonard.
Q She made application before the commission hasn't she?
A Yes sir.
Q To be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother then do you? A Yes sir.
Q How much Choctaw blood do you claim? A Well I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.

- Q What is your husband's name? A Henry Partain.
 Q He's living? A Yes sir.
 Q Is he an Indian or a white man? A White man.
 Q You don't make any claim for him then? A No sir.
 Q Give me the name of your eldest child that you want to apply for? A Myrtle Partain.
 Q How old is she? A Twelve years old.
 Q The next? A Jimmie Partain.
 Q Boy? A Yes sir.
 Q How old? A He's ten.
 Q The next? A Almond.
 Q How old? A Seven.
 Q Any others? A No sir.
 Q Is Henry Partain the father of these children? A Yes sir.
 Q And you and he are living together as husband and wife?
 A Yes sir.
 Q And these children live with you at your home? A Yes sir.
 Q Were either of you married before your marriage to each other?
 A Yes sir, he was.
 Q There are no children by his first marriage that you want to make application for? A No sir.
 Q He was legally divorced was he? A Yes sir.
 Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A Not as I know of.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
 Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q You have made application however for citizenship for yourself and children have you not to the Dawes Commission? A Sir?
 Q You have made application since that time? A Yes sir.
 Q Did you appear before the Commission on November 20, 1900, and there seek to make application for the enrollment of yourself and minor children as members of the Choctaw tribe? A Yes sir.
 Q What was done with that application? A Well I cant tell you.
 Q Refused was it? A Yes sir, refused.
 Q You now come before the Commission do you to make application as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Records in the possession of the Commission show that at Muskegee, Indian Territory, on November 20, 1900, the said Margaret Partain appeared before the Commission and made application for enrollment as citizens by blood of the Choctaw Nation of herself and three minor children; that a decision was rendered by the Commission refusing said application on December 28, 1900, under the act of Congress of May 31, 1890, and a copy of said judgment refusing said application for enrollment was forwarded the applicant at her post office address. The records further show that said application, to-

gether with the decision of the Commission, was on February 15, 1901, forwarded to the Secretary of the Interior for review and that on March 29, 1901, a letter was forwarded to the Commission to the Five Civilized Tribes, Muskegee, Indian Territory, from Thomas Ryan, Acting Secretary, in which letter it was stated that the Department concurred in the decision rendered by the Commission. It is further shown that notice dated June 6, 1901, was sent to Margaret Partain, this applicant, advising her of the action of the Commission and of the Secretary of the Interior, and also advising her that such action was final.

- Q Do you understand article fourteen of the treaty of 1830?
 A No sir.
 Q You don't understand that very well? A No sir.

The treaty of 1830 was made between the government of the United States and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of the year 1830. The principal reason for the making of the treaty was to remove the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to preserve their rights and protect their interests article fourteen was put into the treaty. That article reads as follows:

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

- Q Do you think you understand that now well enough to claim under it? A Yes sir.
 Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Fletcher.

#4.

- Q What relation to you is he? A My mother's great-grandfather.
- 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.
- Q If Jim Fletcher was your mother's great-grandfather, don't you think he would have been a little too old to have been living in 1830 in Mississippi and have children unmarried at that time, or do you think he would be? A I don't know.
- Q How old would he be if living now do you think? A I don't know.
- Q Did he or any of your Choctaw ancestors live in the old Choctaw Nation either in Mississippi or Alabama in 1830, and were they heads of families there then? A I don't know.
- Q Do you want to have the case of your mother Nancy Leonard and other relatives of yours who make application to be identified as Mississippi Choctaws claiming through the same common ancestor consolidated with your case under the head of Nancy Leonard et al.? 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 own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them, within six months from 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 don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
- A I don't know.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of that article fourteen of the treaty of Dancing Rabbit Creek, to go to the Indian Agent whose name was Colonel Ward, at his office or Agency within six months after the ratification of the treaty and tell him they wanted to stay there in that state or that old Choctaw Nation and take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward neglected 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, and upon which they had improvements, to lose both their land and their improvements for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that Congress in 1837, by an act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress, under an act approved August 23rd, 1842, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

#5.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under that article of that treaty that you know of? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A I don't know.
- Q Have you any evidence that you want to present now in support of this claim? A In which way?
- Q Any papers or documents of any kind or witnesses that you would like to call? A No sir.
- Q Would you like time in which to furnish other evidence?
A Yes sir.

Thirty days time will be allowed this applicant in which to furnish other proof if she desires in support of this claim.

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

This applicant has mainly the features and characteristics of white parentage except that her hair is black, her eyes are brown, her color is somewhat darker than one altogether white might be; in the opinion of the Commission she may show traces of other blood than white; she claims she has Choctaw blood, but has no knowledge of the quantity; she doesn't 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.

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 8th day of May, 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.



Subscribed and sworn to before me this 21 day of May, 1902.



Notary Public.

N O R 5035

Mustoge, Indian Territory, September 13, 1908.

Dan Voorhee,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised if Mrs. Margaret Partain, wife of W. H. Partain and daughter of Mrs. Leonard, is on the Choctaw or Chickasaw rolls.

In reply you are informed that it appears from the records of the Commission that Margaret Partain, twenty-eight years of age, post office address Center, Indian Territory, daughter of Nancy Leonard and wife of Henry Partain, is an applicant to this Commission for the identification of herself and three minor children as Mississippi Choctaws.

The Commission has not up to this time rendered any decision or opinion relative to the right of these persons to be identified as Mississippi Choctaws, but is now considering their application and as soon as a decision is rendered 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.

N.C.R. 8518

Muskogee, Indian Territory, February 11, 1903.

Margaret Partain,

Center, 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 B. McKee, et al.,	M.C.R. 4518
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 Challenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 8518
Frank Leonard,	M.C.R. 5408
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 Linnay, et al.,	M.C.R. 5804
Louisa Lane, et al.,	M.C.R. 5845

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 498) which is as follows:

This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Margaret Partain,-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, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Maletia 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,

Tams Dixby.

Acting Chairman.

Registered.

M.C.R. 5518

COPY:

Muskogee, Indian Territory, August 8, 1903.

Margaret Partain,
Center, 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

T. B. Needles
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date . MAY 8 1902

Name Margaret Partain

Age 28 — Blood Don't know

Post-Office, Center, I. T.

Father: John Leonard d

Mother: Nancy " l.

Claims through mother
Husband Henry Partain l. w.

No claim for husband.

Children:

Myrtle Partain, 12

Jimmie " 10

Alouzo " 7

Claims for self and children.

Application was made by No 1 for herself and children under act of Congress of

May 31, 1900. See Choctaw Manual

Choctaw MCR 5519

Othelia Taylor

See MCR 4514

MCR 5519

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 8th, 1908.

46619.

In the matter of the application of Othelia Taylor for the identification of herself and her minor child, Malothia Taylor, as Mississippi Choctaws.

Applicants not represented by attorney.

Othelia Taylor, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Othelia Taylor.
Q Have you any children? A One.
Q What is your age? A Twenty-one.
Q What is your post office address? A Wapanucka.
Q Indian Territory? A Yes sir.
Q Where were you born? A In Texas.
Q Did you always live in Texas until you came to the Territory?
A Yes sir.
Q How long have you lived in the Territory? A Eight years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Leonard.
Q What is your mother's name? A Nancy Leonard.
Q Has she made application to be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother do you? A Yes sir.
Q How much blood? A I don't know.
Q You don't know the quantity of your Choctaw blood? A No sir, I don't.
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 by the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q White man or Indian? A White man.
Q What is his name? A Will Taylor.

#2.

- Q Give me the name of your child? A Malethia.
Q How old? A Three years old.
Q That is all is it? A Yes sir.
Q You claim for yourself and child? A Yes sir.
Q Boy or girl? A Girl.
Q Is Will Tayler the father of this child? A Yes sir.
Q And you the mother? A Yes sir.
Q You and he live together as husband and wife? A Yes sir.
Q Have either of you been married before you married each other?
A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Sir?
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q You have made application have you not for citizenship with your child in the Choctaw Nation? A Yes sir.
Q You had two children when you made application to the Commission did you not? A Yes sir.
Q Did you make application to be admitted with your ~~two~~ children at Muskogee, Indian Territory, November 21, 1900?
A Yes sir.
Q What was done with that application at that time? A They was rejected I suppose.
Q Do you now make application for yourself and your child Malethia to be identified as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Records of the Commission show that at Muskogee, Indian Territory, on November 21, 1900, the said Othelia Taylor appeared before the Commission and made application for the enrollment of herself and her two minor children as citizens by blood of the Choctaw Nation; that a decision was rendered by the Commission refusing said application on December 26, 1900, under the act of Congress of May 31, 1900. The records further show that a copy of the judgment of the Commission refusing this application was sent to Othelia Taylor at Byrne, Indian Territory, December 26, 1900, and that said application, together with the decision, was on February 15, 1901, forwarded to the Secretary of the Interior for review; and that on September 25, 1901, a letter was sent to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, signed by Thomas Ryan, Acting Secretary, to the effect that the Department of the Interior affirmed the decision of the Commission in said case. It is further shown that on October 3, 1901, a letter was sent to Mrs. Othelia Taylor at Byrne, Indian Territory, signed by Tans Bixby, Acting Chairman, advising her of the fact that the Secretary of the Interior had notified the Commission that the Department concurred in the decision of the Commission and that such action was final.

- Q Do you understand that article fourteen of the treaty of 1830?
A Do I understand it?
Q Yes? A Yes sir.

#3.

- Q De you care to have it explained to you further? A Sir?
Q De you want to have it explained to you further? A Yes sir.
Q What do you want me to explain it for if you understand it?
A Well I den't exactly understand it.

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 1830. It was made to remove all of 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 good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and, therefore, in order to protect the interests of these Indians who stayed back there in the old Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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 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? 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 Captain Jim Fletcher.
Q Do you know whether he complied or attempted to comply in any way with article fourteen of the treaty of 1830 or any other article of that treaty? A Not that I know of.
Q Did he or any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him 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 and 1838?
A Well I den't know.

#4.

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 Mississippi in the old Choctaw Nation refusing to go with the other Indians to the Indian Territory, were required under article fourteen, if they wanted to take advantage of it, 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 neglected 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; both were taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose, under an act approved August 23rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know whether any of your Choctaw ancestors went before either of those two Commissions and claimed any rights under article fourteen? A How was that?

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip which was issued under the act of Congress approved August 23, 1842, and which entitled them to select land elsewhere in place of the land which they claimed the government had taken from them?

A I don't know.

Q What relation is Nancy Leonard to you? A My mother.

Q Do you want to have her case and yours and all other relatives of yours claiming through the same common ancestor all considered together? A Yes sir.

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

This applicant has the appearance and physical characteristics of being descended from white parentage except her hair is black, her eyes are dark brown, complexion rather dark, and doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. Merrillan, 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 8th day of May, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.


Subscribed and sworn to before me this 21 day of May, 1908.

Charles K. Sawyer

Notary Public.

COPY.

M.C.R. 5519.

Muskogee, Indian Territory, February 11, 1903.

Othelia Taylor,

Wapanucka, 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 A. 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. 5515,
Frank Leonard,	M.C.R. 5408,
Othelia Taylor, et al.,	M.C.R. 5519,
Johnnie Hatton, et al.,	M.C.R. 5521,
Leera 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 States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary therefor, and make report to the Secretary of the Interior."

O. T. # 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary B. 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,

(SIGNED)

Wm. D. Doby

Acting Chairman.

Registered.

COPY:

M.C.R. 5619

Muskogee, Indian Territory, August 8, 1903.

Othelia Taylor,

Wapanucka, 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)

L. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name Othelia Taylor

Age 21 Blood Don't know.

Post-Office, Wapanucka P.O.

Father: John Leonard, d.

Mother: Nancy " l.

Claims through mother
husband
Will Taylor

Children:

~~MALETHIA~~ Taylor
MALETHIA (F) 3

claims for self
& girl -

See Choct. Mem. case #58

Stenographer A. G. McMillan

Choctaw MCR 5520

Carrie McConnico

See MCR 4006

MCR 5520

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, T. T., May 6th, 1908.

75280.

In the matter of the application of Carrie McGenice for the identification of herself and her three minor children, Mamie May Mobley, Henry Pope Mobley and Willie McGenice, as Mississippian Choctaws.

Applicants represented by J. G. Ralls, attorney.

Carrie McGenice, being first duly sworn, testified as follows:

Examination by the Commissioner.

- Q What is your name? A Carrie McGenice.
Q What is your age? A I am thirty-eight.
Q What is your post office address? A Greenwood, Mississippi.
Q How long have you lived there? A Greenwood six years.
Q Where did you live before that? A Well, several places; I went from Texas to Mississippi.
Q Where were you born? In Texas? A I was born in Mississippi.
Q And from there did you go to Texas? A Yes sir.
Q And back to Mississippi? A Yes sir.
Q And lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Mother living? A Yes sir.
Q What was your father's name? A Andy Williams.
Q What was your mother's name? A Maiden name?
Q As it is now? A Carothers--Mary Carothers.
Q You claim through whom? Father or mother? A My mother.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Well I don't know.
Q She never lived in the Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or is he a white man? A White man.
Q You make any claim for him? A No sir.
Q What is your husband's name? A W. R. McGenice.
Q How many children? A Three.
Q What is the name of the eldest? A Mamie May Mobley.

#2.

- Q What is her age? A Nineteen.
- Q Is W. R. McConico your second husband? A Yes sir.
- Q What is your first husband's name? A H. H. Mobley.
- Q Is he dead? A Yes sir.
- Q He was a white man and not an Indian? A No sir.
- Q What is your next child's name? A Henry Pope Mobley.
- Q How old is he? A He's sixteen.
- Q And the next? A Willie McConico.
- Q Boy? A Girl.
- Q How old? A Six years.
- Q That is all the children? A Yes sir.
- Q H. H. Mobley is the father of these two older children?
- A Yes sir.
- Q And W. R. McConico is the father of Willie McConico?
- A Yes sir.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A Not that I knew of.
- 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 at any time made application to any authority whatever to be admitted to citizenship in the Choctaw Nation with your children? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q You never have been admitted have you with your children as a member of the Choctaw tribe by any authority whatever?
- A No sir.
- Q Do you understand article fourteen of that treaty? A I think I do.
- Q Would you like to have it explained any further? A I guess not.

Without the explanation it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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 entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Dumas, her maiden name was Brashear.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830? A No sir, I don't know.
- Q How old would she be if living now? A Who?
- Q Elizabeth Dumas? A I have no idea.
- Q You claim through your mother don't you? A Yes sir.
- Q Where is she living now? A Jackson, Mississippi.
- Q Has she always lived in Mississippi? A No sir, she lived several years in Texas.
- Q And was born in Mississippi was she? A I think she was; I am not sure.
- Q She went to Texas and then went back? A Went back, yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A They owned it, but I don't know what year.
- 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 or '40? 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 can't tell you; 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 Not that I know of.

In 1837, by an act approved March 3rd of that year, a Commission was appointed to go to Mississippi and hear Choctaw Indian claimants under article fourteen of the treaty of 1830, and in 1842, by an act approved August 23, 1842, another Commission was appointed for the same purpose, to hear claimants who claimed they had rights in Mississippi and Alabama and that Colonel Ward before whom they went within six months after the ratification of the treaty of 1830, refused to register them as Indian claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or 1842 and claimed any benefits

4.

as Choctaw Indians? A I don't know.

- Q Did any of them ever receive any scrip which entitled them to select land in place of the land which they claimed they had taken from them by the government and sold? A I don't know.

That scrip was issued under an act approved August 25, 1842.

- Q Who is Scott S. Dumas do you know? A He is a first cousin of my mother.
Q Do you want to have your case considered under the head of Scott S. Dumas et al.? A Yes sir.

To attorney J. G. Ralls.

- Q Mr. Ralls you don't want any time for evidence? A I thought perhaps the mother would come before the Commission.
Q Well, I am speaking of time---the extending of time? It seems to me the evidence is all in? A Yes sir.

Time will be allowed this applicant until the first day of June in which to furnish other evidence if she desires.

To the applicant:

- Q You don't speak Choctaw? A No sir.
Q Is there anything more you would like to say? No answer.

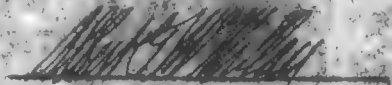
Examination by Attorney J. G. Ralls.

- Q Elizabeth Dumas, whose maiden name was Brashear, was your great-grandmother was she? A I don't know for sure, I think though she was.
Q Either your great-grandmother or your great-great-grandmother?
A I think she is my great-grandmother.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage except that she has black eyes, black hair, rather dark complexion, she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert S. 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 8th day of May, 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.



Subscribed and sworn to before me this 21st 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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5520.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

**Carrie McConico,
Greenwood, Mississippi.**

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicolds, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4818
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. R. 4815

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4323
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5823
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erna Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4189
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715,
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sander-,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniab Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

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

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

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Multy Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Osear M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livyonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Louie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missianiah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED,

Walter H. Thompson

Chairman.

Registered.

MGR-5520

COPY.

Muskogee, Indian Territory, January 22, 1906.

Carrie McConnico,

Greenwood, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Hennie May Mobley, Henry Pope Mobley and Willie McConnico, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Tamm Bixby.

Commissioner.

For Identification as a Mississippi Choctaw

Date MAY 8 1902

Name Carrie Mc Connico

Age 38 Blood '132

Post-Office, Greenwood, Miss.

Father: Andy Williams, d

Mother: Mary Carothers, l.

Claims through mother -

husband (2.)

W. R. McConnico, l. w.

No claim for husband

husband (1)

N. H. Mobley (d) w.

Children:

Nannie May Mobley 19

Henry Pope " 16

Willie Mc Connico, F 6

Claims for self & 3 children -



Choctaw MCR 5521

Johnnie Hatton

by

George P. Hatton

See MCR 4514

MCR 5521

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 2th, 1908.

4521.

In the matter of the application made by George F. Hatten for the identification of his five minor children, Johnnie, Pearl, William, Coke, and George Edward Hatten, as Mississippi Choctaws.

Applicants not represented by attorney.

George F. Hatten, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q Your name is what? A George F. Hatten.
Q What is your age Mr. Hatten? A Forty-four.
Q What is your post office address? A Huxton, Indian Territory.
Q You are a white man are you not? A Yes sir.
Q Do you want to make application for some minor children?
A Yes sir.
Q Their mother is a Choctaw Indian? A Yes sir.
Q Or was, she is dead now? A Dead now.
Q How much Choctaw blood did she have? A About one-seventh I guess.
Q There isn't any such quantity as that. There is full blood and half blood and one-half of that which is one-fourth, and one-half of that which is one-eighth, and one-half of that which is one-sixteenth, and one-half of that which is one-thirty-second; now which is it? A Well I don't know for certain, but suppose she was one-eighth.
Q What was your wife's name? A Her maiden name was Limsey.
Q What was her name when she died? A Martha Hatten.
Q How much Choctaw blood do you claim for the children that you want to make application for? They would have one-half of their mother wouldn't they, and she had one-eighth you say, one-half of one-eighth is one-sixteenth; is that what you claim for the children? A Yes sir, that is as near as I could come.
Q What is the name of your eldest child married and under twenty-one? A Johnnie.
Q Boy? A Yes sir.
Q How old is Johnnie? A Nineteen.
Q What is the name of the next child? A Pearl.

- Q PEARL? A Yes sir.
- Q That is a girl of course? A Yes sir.
- Q How old is Pearl? A Seventeen.
- Q What is the name of the next child? A William.
- Q How old is William? A Fourteen.
- Q The next? A Geko.
- Q Geko? A Yes sir.
- Q Boy? A Yes sir.
- Q How old is Geko? A Twelve.
- Q The next? A George Edward?
- Q How old is George Edward? A Nine.
- Q Is that all? A Yes sir.
- Q Now these children are all your children by your wife who is now dead, Martha Hatten? A They are.
- Q And you claim one-sixteenth for the children? A Yes sir.
- Q Are the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Has any kind of application ever been made for these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I thought there was.
- Q To the Choctaw tribal authorities, not the Dawes Commission?
- A We appeared in '96 down at Cadde and got what they called a certificate but I was fooled in it.
- Q What kind of certificate? A Why it had the Blue County Seal on it, and it read sorta in this way: that Martha Hatten and her children was Choctaws by blood and was fully identified and these facts would be proven by competent witnesses, and we have-----
- Q That was before the Choctaw Committee was it or the tribal authorities? A Yes, it was before them.
- Q It was not before the Dawes Commission in '98? A No sir.
- Q Well then you never were admitted, or the children never were admitted by the Choctaw tribal authorities? A No sir, I guess not.
- Q And you never went before the Dawes Commission at all? November 20th, 1900, did you? A Yes sir, November 20th.
- Q You only went before the Dawes Commission once? A Yes sir.
- Q You made application at that time for your five minor children as citizens by blood of the Choctaw Nation did you not?
- A Yes sir.
- Q What was done with that application do you know? A I know what they told me would be done with it.
- Q Well what notice did you receive from the Commission as to what would be done with it? A They said when the final roll went up they would send it up, and wrote me if I wanted to send it up. I told them by all means to send it.
- Q Didn't you receive a letter dated June 5, 1901, addressed to you at Manton, Indian Territory, that your application for your five minor children had been sent to the Secretary of the Interior and that the Secretary of the Interior had concurred in the decision of the Commission refusing the application for these five minor children? A Yes sir.
- Q In November the 20th, 1900, at Muskegee, Indian Territory, before the Commission you made application for these same five

children did you not, and, as you say, you had notice of their rejection by the Commission and also by the Secretary of the Interior did you not? A Yes sir.

The records of the Commission show that at Muskogee, Indian Territory, November 20, 1900, George P. Hatten made application for the enrollment of said five minor children as citizens by blood of the Choctaw Nation; that a decision was rendered by the Commission in said case dated December 28, 1900, refusing the application of the said George P. Hatten for the enrollment of his said five minor children, Jehanis, Pearl, William, Coke and George Hatten.

Q This Edward that you now give is the same as George in the decision? A Yes sir.

Q And you want to make his name George Edward? A Yes sir.

That on December 27, 1900, a letter signed by Tams Bixby, Acting Chairman of the Dawes Commission, was mailed to George P. Hatten at Hunton, I. T., inclosing to him a copy of the judgment of the Commission refusing his application for the enrollment of his five minor children as citizens by blood of the Choctaw Nation. On January 9, 1901, a letter signed by George P. Hatten was sent to the Dawes Commission and received by them, acknowledging the receipt of a decision of said Commission in reference to the application for the enrollment of his five minor children, and requesting that the application be sent to the Secretary of the Interior. On January 15, 1901, a letter was sent by the Dawes Commission to George P. Hatten at Hunton, Indian Territory, acknowledging the receipt of the letter sent by him dated the 9th day of January, 1901, requesting that the records of the application made by him for his five minor children be forwarded the Secretary of the Interior for his consideration, and stating that his request would be granted and the records would be transmitted to the Secretary of the Interior. Records in the possession of the Commission further show that said records in the application made by George P. Hatten for his five minor children were forwarded to the Secretary of the Interior and that in a letter dated March 23, 1901, addressed to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and signed by Thomas Ryan, Acting Secretary, the Commission is advised that its decision is correct and that the Secretary of the Interior approves it. Said letter also recommends that the Commission shall so advise the party who makes that application. On June 5, 1901, at Muskogee, Indian Territory, a letter was sent by the Commission, signed Tams Bixby, Acting Chairman, addressed to George P. Hatten, Hunton, Indian Territory, in which he is informed that the application made by him before the Commission for the enrollment of said five minor children as citizens by blood of the Choctaw Nation as refused by the Commission is approved by the Secretary of the Interior who concurs in the decision of the Commission refusing the application for the enrollment of Jehanis, Pearl,

#4.

William, Coke and George Hatten, who is now named in the present application as George Edward Hatten, as citizens by blood of the Choctaw Nation. The number of the memorandum filed of said case is No. 54.

- Q Do you know some before the Commission to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q How long has your wife been dead? A Two years.
- Q These children are living with you at your home? A Yes sir.
- Q You haven't been married since then? A No sir.
- Q And you appear as their father and natural guardian? A Yes sir.
- Q To make application for them as Mississippi Choctaws? A Yes sir.
- Q Unless you did appear you have no one in the family who could appear for them? A No sir.
- Q Do you understand article fourteen of the treaty of 1830? A I don't suppose I understand it real good.

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 of that year 1830. The object of the treaty was to remove the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian territory, and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed and afterwards 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 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 entitled to any portion of the Choctaw annuity."

- Q You understand that now don't you Mr. Hatten? A Well, tolerable well.
- Q Well enough to claim for these children under it? A Yes sir.
- Q What is the name of their ancestor through whom they claim the right to be identified as Mississippi Choctaws? A Jim Fletcher and Nancy Fletcher his wife.
- Q Who had the Choctaw blood? Jim or Nancy? A He was three-fourths Choctaw and Nancy was full blood, so the proof is. I don't know them myself.
- Q They claim through both? A Yes sir.
- Q And you figure it out so that you claim that your wife was one-eighth do you? A Why I haven't got education enough to figure it right I suppose about one-eighth; I cant say that she was one-eighth for I don't know.
- Q You don't know exactly whether they are one-sixteenth?
- A No sir, I don't. Nancy Leonard they counted from her; I suppose she was seven thirty-seconds, somewheres about that. If she was that my wife was her own sister and that would make her exactly that.
- Q That would make your wife seven-thirty-seconds? A Yes sir.
- Q And you said she was one-eighth? A Well, I said about that. I would like to have that changed.
- Q You would like to have that seven-thirty-seconds? A Yes sir, I would.
- Q Did Jim Fletcher and his wife Nancy live in Mississippi or Alabama in the old Choctaw Nation in the year 1830?
- A Yes sir, according to the evidence produced.
- Q According to family history and tradition, what you have heard in the family? A Yes sir, and the evidence that I seen taken of Dock Dunford's down on the Red River lately.
- Q How did Jim Fletcher or Nancy Fletcher or any of the Choctaw ancestors of your children live in the old Choctaw Nation in Mississippi or Alabama in 1830? A Jim Fletcher was in Mississippi.
- Q Well did they live there in 1830 and have a family of children there then? A I couldn't say just now.
- Q You couldn't give the name of any Choctaw ancestor who was the head of a family in Mississippi in 1830? A No sir, I couldn't.
- Q Did any of the Choctaw ancestors of your children own any improvements on land or claim any in Mississippi or Alabama in 1830? A I don't know whether they did or not.
- Q Did any of the Choctaw ancestors of your children, 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 don't know whether they did or not.
- 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 don't know what time they moved.
- Q Did any of the Choctaw ancestors of your children own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know whether they did or not.


The Choctaw 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, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused 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 its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of the Choctaw ancestors of your children go before either the Commission of 1837 or 1842 and claim benefits as Choctaw Indians under that article of that treaty? A I don't know whether they did or not.
- Q Did any of the ancestors of your children receive any scrip or certificates as they would be called now, which were issued under the act of Congress of August 23, 1842, giving them a right to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that was formerly held and occupied by them in the old Choctaw Nation and which the government had taken from them and sold, do you know? A No sir, I don't know.
- Q Did any of the Choctaw ancestors of your children receive any benefits as Choctaw Indians in the old Choctaw Nation in Mississippi or Alabama? A I don't know whether they did or not.
- Q What relation is Nancy Leonard to your children? A She's their aunt.
- Q Nancy Leonard, the aunt of these children, made application to be identified as a Mississippi Choctaw didn't she? A Yes sir.
- Q Do you want to have her case referred to (No. M C R 5244) and made a part of the record? A Yes sir.
- Q You would like also to have the application of Annie Skellenger, M C R 5517, and others who have made application to-day as Mississippi Choctaws claiming through Jim Fletcher as the common ancestor, considered with your application would you?
- A Yes sir.
- Q Have you any other evidence that you would like to produce now in support of this claim--any other evidence? A I don't know that I have.
- Q Do you want any time? A Do I need more witnesses?
- Q Well I don't know that you do. It is for you to say?
- A I aint much of a hand to say.

This applicant is given until the first day of June in which to introduce other testimony if he desires in support of the application he makes for his minor children.

- Q Do you speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of this claim?
A I might ask a question: If I get more evidence, in what way does it want to be taken?
Q That's a question for a lawyer. What is the description of your children? Describe them beginning with the eldest; what does Johnnie look like? A Tolerable dark.
Q What is his hair? A Brown.
Q Eyes? A Brown.
Q How is Pearl? A Tolerable light.
Q Light blue eyes? A Eyes is brown.
Q Brown hair? A Brown hair.
Q How is William? A William is light complected.
Q Light? A Yes sir.
Q Light eyes? A Brown eyes.
Q Light hair? A Yes sir.
Q Coke? A Coke? Brown hair; brown eyes.
Q How is George Edward? A He's tolerable light; brown eyes.
Q You are a white man yourself? A Yes sir.
Q You have brown eyes? A Yes sir.
Q The brown eyes may be as well through you as the mother. Was the mother brown eyed? A The mother was black eyed and black hair; dark complexion.

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 8th day of May, 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.



Subscribed and sworn to before me this 21 day of May, 1902.



Notary Public.

M C R 5521
M C R 5522

Muskogee, Indian Territory, May 24, 1902.

Leora Blackman,

Jeffer, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that on the 29th day of May, 1902, you will have the deposition of Nancy Leonard taken before a clerk at Jeffer, Indian Territory, at 3 o'clock P. M. in support of your claim and the claim of Martha Hatton's five minor children for identification as Mississippi Choctaws.

You are advised that the Commission cannot consider depositions in support of applications for identification as Mississippi Choctaws unless 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, adopted by the Commission November 4, 1902, a copy of which is enclosed you herewith.

If you are desirous of having the deposition of Nancy Leonard taken in support of your application and the application made for the minor children of Martha Hatton as Mississippi Choctaws, it will first be necessary for you to show that the witness whose deposition you desire to have considered is unable from age,

L 2 2

infirmary or sickness to personally appear before the Commission to the Five Civilized Tribes.

You will also be required to file with the Commission your affidavit setting forth such a fact and that the testimony of the witness is material to your claim and also specify the evidence sought to be adduced in the taking of such deposition.

There must also be filed with the Commission the interrogatories to be propounded to the witness and a copy of such interrogatories must be served on Messrs Mansfield, McMurphy & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

When you have conformed with the rules and regulations of the Commission in this respect, the matter of the issuance of a commission to take the deposition of Nancy Leonard in support of your application and the application for the minor children of Martha Hatton for identification as Mississippi Choctaws will receive further consideration.

Yours truly,

Acting Chairman.

Enc Y 128

COPY.

Muskogee, Indian Territory, February 11, 1903.

George P. Hatton,

Hunton, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of 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 States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

CJE. H. # 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of 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 H. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Edie 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, Maletia 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,

Tame Dixby.

Acting Chairman.

Registered.

M.C.R. 6522

COPY.

Muskogee, Indian Territory, August 8, 1903.

Johnnie Hatton,

Care of George F. Hatton,

Hunten, Indian Territory.

Dear Sir:

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,

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name George P. Hatton, who applies for his 5 minor children
Age 44 — Blood white —

Post-Office, Hunton, I.T.
of children.

Father: George P. Hatton
of children.

Mother: Martha Hatton 7/32
children
Claims through mother (#8 7/32)

Children:

- Johnnie Hatton, (M) 19
- Pearl " " 17
- William " " 14
- Leke " (M) " 12
- Edward, " " 9

Claims for his minor children.

white father claims for minor children — by order

of W.O.B.

Stenographer A. G. McMillan.

Choctaw MCR 5522

Leora Blackman

See MCR 4514

MCR 5522

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 24, 1902.

4522.

-----90-----

In the matter of the application of Leora Blackman for the identification of herself and her five minor children, Johnnie, Jimmie, Altha, Mabry and Albert Blackman, as Mississippi Choctaws.

Applicants not represented by attorney.

Leora Blackman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Leora Blackman.
Q What is your age? A Thirty-three.
Q What is your post office address? A Jarka.
Q Indian Territory? 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 Linney.
Q What was your mother's name? A Nancy Linney.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q Have you a husband living? A Yes sir.
Q White man or Indian? A White man.
Q What is his name? A Henry Blackman.
Q You do not make any claim for him do you? A No sir.
Q How we will have the names of your children commencing with the oldest? A Johnnie.
Q Johnnie? A Yes sir. Jimmie.
Q The next? A Altha.
Q How old is Altha? A Altha is six years old.
Q How old is Jimmie? A Nine.
Q How old is Johnnie? A Johnnie is fourteen.
Q How many children have you after Altha? A Mabry.
Q Is that a boy? A Yes sir.
Q Johnnie and Jimmie are both boys? A Yes sir.
Q How old is Mabry? A He's four.

#2.

- Q How give me the next? A Albert, three months.
- Q Is that all? A Yes sir.
- Q Is Henry Blackman the father of these children? A Yes sir.
- Q Were you ever married or was he ever married previous to your marriage to each other? A No sir.
- Q And you and he are living together as husband and wife and these children are living with you? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation, Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory; I am talking about the Choctaw Nation? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you made application, or attempted to make application, for the enrollment of yourself and children to the Dawes Commission at any time since that date? A Yes sir.
- Q When was it, do you remember? A It was in 1900.
- Q November 20th? A Yes sir.
- Q You made application then for yourself and children as citizens by blood of the Choctaw Nation? A Yes sir.
- Q What action was taken by the Commission at that time?
- A They just refused it.
- Q They rejected it didn't they? A Yes sir.
- Q And you got notice of that rejection, of the decision of the Commission? A Yes sir.

The records in the possession of the Commission show that on November 20th, 1900, at Muskegee, Indian Territory, this applicant, Leera Blackman, made application for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation; that on December 28th a decision was rendered by said Commission refusing said application; that a letter dated December 27, 1900, was written by the Commission to Leera Blackman, Franks, Indian Territory, apprising her of the fact that said application made by her for herself and children was refused by the Commission. A letter signed by Thomas Ryan, Acting Secretary of the Interior, dated April 1st, 1901, addressed to the Commission to the Five Civilized Tribes at Muskegee, Indian Territory, shows that said memorandum made by the Commission refusing Leera Blackman's application for enrollment as citizens by blood of the Choctaw Nation of herself and children was forwarded to the Department of the Interior at Washington and was by said Department reviewed and the decision of the Commission was affirmed, being in accordance with the provisions of the act of May 31, 1900. Said letter also directs that the said applicant, Leera Blackman, be so advised by the Commission. In accordance with said instructions the Commission to the Five Civilized Tribes on May 29, 1901, informed this applicant, Leera Blackman, that the memorandum made by the Commis-

sion at the time of her application for citizenship for herself and children was forwarded to the Secretary of the Interior for final action and that the Secretary of the Interior had concurred in the refusal of said application by the Commission.

- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, not good I don't.
- Q What is your daughter's name who is now before the Commission to be identified as Mississippi Choctaw? A Edie Harris.
- Q You made application for her did you not in your application made before the Commission November 20, 1900? A Yes sir.
- Q She is now married is she? A Yes sir.
- Q Married a man named Harris? A Yes sir.
- Q And she is here herself before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

The number of the memorandum of the application of Leera Blackman for herself and her children made by her before the Commission is 55.

The United States government and the Choctaw Indians made a treaty in 1830, on the 27th day of September, 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was put into the treaty. The treaty was then signed and afterwards ratified on the 24th day of February, 1831. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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 entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article of that treaty? A How is that?
- Q Did any of your Choctaw ancestors comply with 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? A Jim Fletcher.
- Q Do you know anything about Nancy Fletcher? A Nancy Fletcher and Jim.
- Q What relation are they? A My great-grandfather and great-grandmother.
- Q Did they both have Choctaw blood? A Yes sir, that's what I have been taught.
- Q Do you know how much they had? A No sir.
- Q Do you know how old they would be if living now? A No sir, I don't.
- Q Did either of them speak the Choctaw language? A Well, I don't know that, but I suppose they could.
- Q How much Choctaw blood do you claim? A Well, I don't know how much I claim; I can't count it but I claim as much as Nancy Leonard.
- Q You don't know, yourself, do you? A No sir.
- Q What relation was Nancy Leonard to you? A She's a sister.
- Q She's a sister is she? A Yes sir.
- Q And she has made application to be identified has she not, as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have her case referred to in the consideration of your own as well as all other relatives who claim through the same common ancestor? A Yes sir.

The case of Nancy Leonard, M & R 5244, is here referred to for the purpose of consolidation.

- Q Have any of your Choctaw ancestors ever owned any land or claimed any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Have any of your Choctaw ancestors ever owned any improvements on land in Mississippi in 1830 or any time before that?
- A I don't know that.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever comply in any way with the provisions of article fourteen that you know of?
- A No sir, I don't know of.

The members of the Choctaw tribe of Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under that article of that treaty, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they intended to stay

70.

in Mississippi in the old Choctaw Nation, 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. His neglect to do it caused a good many Indians who hold land in Mississippi, and upon which they had improvements, to lose both land and improvements; both were taken from them by the government and sold. This caused a good many complaints among the Choctaws and as a result of the complaints made, Congress appointed a Commission to go to Mississippi, and also one in 1842. These Commissions went there and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek, and made lists of all who came before each one of them respectively.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians?
A Not that I know of.
Q Did any of your Choctaw ancestors receive any scrip from the government issued under the act of Congress of August 23, 1842, which scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land that they had taken from them in 1831 and thereafter?
A I don't know.
Q Who is Nancy Leonard, your sister? A Yes sir.
Q She's made application to be identified as a Mississippi Choctaw hasn't she? A Yes sir.
Q Would you like to have her record and also the record of other relatives who have appeared to be identified as Mississippi Choctaws claiming through the same common ancestor considered with yours? A Yes sir.
Q Do you speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of this claim?
A No sir, I guess not.
Q Do you care for any time in which to work up any further evidence in the case? A Yes sir, I would like to have the same time you give the rest of them.

Thirty days time is allowed this applicant in which to offer further proof in this case if she desires and if presented in accordance with the rules of this Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage, black hair, black eyes, dark complexion, high cheek bones, doesn't 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.

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 8th day of May, 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.

Subscribed and sworn to before me this 21st day of May, 1902.

Charles H. Sawyer

Notary Public.

M O R 5621
M O R 9822

Mustoge, Indian Territory, May 24, 1902.

Leora Blackman,

Jeffs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that on the 24th day of May, 1902, you will have the deposition of Nancy Leonard taken before a clerk at Jeffs, Indian Territory, at 3 o'clock P. M. in support of your claim and the claim of Martha Hatten's five minor children for identification as Mississippi Choctaws.

You are advised that the Commission cannot consider depositions in support of applications for identification as Mississippi Choctaws unless 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, adopted by the Commission November 4, 1902, a copy of which is enclosed you herewith.

If you are desirous of having the deposition of Nancy Leonard taken in support of your application and the application made for the minor children of Martha Hatten as Mississippi Choctaws, it will first be necessary for you to show that the witness whose deposition you desire to have considered is unable from age,

L B S

infirmary or sickness to personally appear before the Commission to the Five Civilized Tribes.

You will also be required to file with the Commission your affidavit setting forth such a fact and that the testimony of the witness is material to your claim and also specify the evidence sought to be adduced in the taking of such deposition.

There must also be filed with the Commission the interrogatories to be propounded to the witness and a copy of such interrogatories must be served on Messrs Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

When you have conformed with the rules and regulations of the Commission in this respect, the matter of the issuance of a commission to take the deposition of Nancy Leonard in support of your application and the application for the minor children of Martha Hatten for identification as Mississippi Choctaws will receive further consideration.

Yours truly,

Acting Chairman.

Enc T 122

Madagee, Indian Territory, January 12, 1903.

F. T. Lamm,
Jaffe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask to be advised if Leora C. Blackman is a recognized citizen of the Choctaw or Chickasaw Nations.

In reply to your letter you are informed that it appears from the records of the Commission that Leora Blackman, thirty-three years of age, residence Jaffe, Indian Territory, is an applicant for the identification of herself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision in her case, but is now considering her application and it is probable a decision will be rendered in the near future, when she 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 the applicants in this case occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

U. S. Wynn,
Attorney at Law,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be advised if Mrs. L. C. Blackman, of Jeffs or Stonewall, I. T., is listed for enrollment as a Chickasaw or Choctaw Indian.

In reply you are informed that it appears from the records of the Commission that Leora Blackman, thirty-three years of age, residence Jeffs, Indian Territory, wife of Henry Blackman, is an applicant for the identification of herself and her minor children Johnnie, Jimmie, Altha, Mabry and Albert Blackman as Mississippi Choctaws.

The Commission has not up to the present time rendered any opinion or decision relative to the right of these persons to be identified as such Mississippi Choctaws, but is now considering her application and it is probable a decision will be rendered in the near future. The principal applicant will be duly notified of the action of the Commission and of the forwarding of the record

V. G. Wood

to the Secretary of the Interior.

It is believed that the papers found in the above applica-
tions are the ones concerning whom you make inquiry.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 11, 1903.

Leora Blackman,

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. 4515,
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,
Arrie 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 States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

L. B. # 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary M. 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, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Maletia 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,

James G. ...
Acting Chairman.

Registered.

M.C.R. 5522

COPY.

Muskogee, Indian Territory, August 8, 1903.

Laura Blackman,
Jaffe, 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)

L. P. Needles
Commissioner in Charge.

M C R 5522

Muskogee, Indian Territory, October 12, 1903.

Dan Sullivan,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 5, 1903, asking if Mrs. Leora C. Blackmon's citizenship has been approved.

In reply to your letter you are informed that it appears from our records that on February 11, 1903, the Commission rendered its decision refusing the application of Leora Blackman for the identification of herself and her minor children as Mississippi Choctaws, and on February 27, 1903, the record in this case was forwarded to the Secretary of the Interior. On July 28, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing said application, or which departmental action the applicant was advised on August 8, 1903, at her last known postoffice address at Jeffs, Indian Territory.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 2 1902

Name Leora Blackman.

Age 33 - Blood Don't know.

Post-Office, Jeffs, I. D.

Father: George Linney, d

Mother: Nancy " d

Claims through mother,

Husband ^{No} ~~any~~ Blackman, l. w.

No claim for husband.

Children:

Jahnnie	"	14
Jimmie	"	9 #2
Altha	"	6
Mabry	" (M)	4
Albert	"	3 m.

Claims for self
& children

See Choctaw Mass. + 53

Stenographer A. G. McMillan.

Choctaw MCR 5523

Eddie Harris

See MCR 4514

MCR 5523

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 24th, 1902.

25513.

In the matter of the application of Eddie Harris for the identification of herself and her minor child, Bera Harris, as Mississippi Choctaws.

Applicants not represented by attorney.

Eddie Harris, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Eddie Harris.
Q What is your age? A Seventeen.
Q What is your past office address? A Jeffs,
Q Indian Territory? A Yes sir.
Q How long have you lived there? A Two years.
Q Where did you live first; where were you born? A I was born
in Texas.
Q And did you live in Texas until you removed to the Indian Ter-
ritory? A Yes sir.
Q And you have lived in the Territory how long altogether?
A Six years I believe.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry Blackman.
Q What is your mother's name? A Leocalladman.
Q You claim through your mother do you? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians in Indian Territory
by the Choctaw tribal authorities or the United States authori-
ties? A No sir.
Q What is the name of your husband? A Harvey Harris.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q You make no claim for him do you? A No sir.
Q Give me the name of your child for whom you want to make appli-
cation? A Bera Harris.
Q How old is she? A Four months old.
Q Are you living with your husband and this child living with you
all at your home? A Yes sir.

- Q Were either of you married before you married each other?
 A Yes sir.
 Q Was your husband? A Yes sir.
 Q Did he get a divorce, or did his wife die? A She died.
 Q There are no children by that marriage that you want to make application for? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A 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 Was application made for you by your mother to the Dawes Commission for enrollment in the Choctaw Nation later than June 10, 1896? A Yes sir.
 Q Among other children your mother, Leora Blackman, made application for one Eddie fifteen years old, is that you?
 A Yes sir.
 Q But now that you are married you come before the Commission to be identified as a Mississippi Choctaw, for yourself and your child do you? A Yes sir.

Records in the possession of the Commission show that in the case No. 88, of which memorandum was made, that in the application of Leora Blackman for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation, among her other children she made application for one child Eddie, a girl of the age of fifteen. It appears that the Eddie applied for at that time is this same applicant who now presents her own claim for herself and child under her married name as Eddie Harris. The application made for this applicant through her mother was refused by the Commission and a decision to that effect was rendered by the Commission to the Five Civilized Tribes dated December 28, 1900. A copy of said judgment was by the Commission sent to Leora Blackman, Franks, Indian Territory, on or about December 27, 1900. Said record made in the memorandum of the application for enrollment of Leora Blackman and her children, among which was this present applicant, Eddie, now Eddie Harris, sent to the Secretary of the Interior for final action, and the records further show that on April 1, 1901, in a letter signed by Thomas Ryan, Acting Secretary, and addressed to the Commission to the Five Civilized Tribes, Muskegee, Indian Territory, said Commission was advised of the fact that its decision rejecting the applicant, Leora Blackman, and all her children including this applicant now appearing before the Commission as Eddie Harris, was approved by said Secretary and affirmed, being in accordance with the act of Congress of May 31, 1900. The Commission to the Five Civilized Tribes was further instructed to so advise the parties making the application. In accordance with said instructions Leora Blackman who made application for herself and her five minor children, Eddie, Johnnie, Jimmie, Altha and Mabry Blackman, was notified of the action of the Secretary of the Interior and was also informed that such decision was final.

#3.

- Q You now come before the Commission do you to be identified as a Mississippi Choctaw making such application for yourself and your child? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? You claim under that don't you? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I don't hardly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. It was made on the 27th day of September of that year and was made for the purpose of removing all the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory? Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards became ratified. It reads as follows:

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

- Q Did any of your Choctaw ancestors comply with the provisions in that article of that treaty? A No sir.
- Q Do you understand that article now well enough to claim under it? A Yes sir.
- Q What is the name of your ancestor through whom you claim? A Leera Blackman.
- Q Well that's your mother; who does she claim through; go way back? A Jim Fletcher.
- Q What relation was Jim to you? A My mother's great-grandfather
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he have a Choctaw Indian name? A I don't know.
- Q Did he speak the Choctaw language? A I don't know.

4.

- Q How old would he be if living now? A I don't know that.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Don't know whether he had a family of children there at that time? A No sir.
- Q Did you ever hear of any Choctaw ancestor who was the head of a family in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir, I didn't.
- 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 they wanted to stay, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know that either.
- Q Don't know whether any of them went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory? A No sir.

The Indians who lived in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, and 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 great many Choctaw Indians did so 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 and upon which they had improvements, to lose both the land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress, by an act approved August 23rd of that year, for the same purpose. These Commissions both went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians?
- A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
- A I don't know.

This scrip was issued to applicants who claimed rights under article fourteen of the treaty of 1830, and who had also land in Mississippi which had been taken from them and sold by the government.

- Q Who is Nancy Leonard? A My aunt.
 Q Do you want her case made a part of the records in your case?
 A Yes sir.
 Q She's applied for identification as a Mississippi Choctaw hadn't she? A Yes sir.
 Q And also you would like other relatives who have applied as Mississippi Choctaws to have their cases considered with yours?
 A Yes sir.
 Q Can you speak the Choctaw language? A No sir.
 Q Is there any other evidence you want to offer now in support of this case? A No sir.
 Q Haven't anything have you? A No sir.
 Q Want any time to introduce any? A Yes sir.

Thirty days time will be allowed this applicant in which to introduce other testimony in support of this application.

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

This applicant has the appearance and physical characteristics of being descended from white parentage, has dark skin, black eyes, dark brown hair, she doesn't understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of articles 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 8th day of May, 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.



Subscribed and sworn to before me this 21st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5523.

Muskogee, Indian Territory, February 11, 1903.

Eddie Harris,

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. 4518,
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 Hatten, et al.,	M.C.R. 5521,
Leera 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 States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Eddie Harris, # 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of 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, Annie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Malothia 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 Lemmon 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,

Tams Bixby.

Acting Chairman.

Registered.

N.O.R. 5628

COPY

Muskogee, Indian Territory, August 8, 1903.

Eddie Harris,

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.

For Identification as a Mississippi Choctaw.

Date MAY 8 1902

Name Eddie Harris

Age 17 Blood Don't know

Post-Office, Jeffs. L.T.

Father: Henry Blackmon, l.

Mother: Leora " l.

Claims through mother,

~~Husband~~ Harvey Harris, l. w.

No claim for husband

Children:

Nora Harris, 4 m.

claims for self & child

Stenographer A. H. McMillan.

COMMISSION TO THE WEST COAST, 1846-1848

In the matter of the application of Martha J. Seagrave for
identification as a Mississippi Choctaw. M.S.P. 1846

----- LIST OF PAPERS -----

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

	Page
Original application of Martha J. Seagrave to the Howe Commission for identification as a Mississippi Choctaw.....	1
Decision of the Commission refusing the application of Martha J. Seagrave for identification as a Mississippi Choctaw.....	2

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 8th, 1902.

75124.

In the matter of the application of Martha J. Jeffreys for
the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Martha J. Jeffreys, being first duly sworn, testified as
follows:

Examination by the Commission.

- Q What is your name? A Martha J. Jeffreys.
Q What is your age? A I guess about forty-seven or eight.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived in the Indian Territory? A Well I know
have been here before but I haven't stayed very much.
Q This last time? A Two or three months.
Q Before that you lived where? A I lived in Memphis a while.
Q Tennessee? A Yes sir.
Q Where were you born? A Mississippi.
Q How long did you live in Mississippi from the time of your
birth up? A Well just deduct seven years from the year '47
or 8.
Q You were born there? A Yes sir, born and raised there.
Q Lived most of your life in Mississippi? A Yes sir.
Q Been a few months in Indian Territory? A Yes sir.
Q Father living? A Been dead many years.
Q Mother living? A Been dead many years.
Q What was your father's name? A James B. Mitchell.
Q What was your mother's name? A Sarah Mitchell.
Q You claim through which parent, father or mother? A Mother.
Q How much Choctaw blood do you claim? A Well I don't know
sir, that I couldn't tell you.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A She was always classed as an Indian.
Q She hasn't been enrolled has she? A No sir.
Q She has been recognized by the neighbors as an Indian?
A Always.
Q Are you married? A I have been a widow many years.

#2.

- Q You have no children under age? A No sir.
Q You claim for yourself do you? A Yes sir.
Q What was your husband's name? A Oliver M. Jeffreys.
Q What was his blood, white or Indian? A White.
Q What is the names of your married children; give the names just as they are now? A Grace Viola Odell.
Q She lives where? A At Okmulgee, Marshall County, Mississippi.
Q And what is the name of your other child? A Powell LaFayette Jeffreys, he's at Kyle, Texas.
Q They haven't been before the Commission yet? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I guess not.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, nowhere.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission before this? A No sir.
Q You didn't make application under the act of Congress of June 10, 1896, or any other time? A No sir.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir, I don't know anything about it.

The treaty was made in 1830 at a place called Dancing Rabbit Creek in Mississippi and made for the purpose of the removal as far as possible of all Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and therefore in order to protect their interests article fourteen was put into the treaty. It was then signed and afterwards ratified. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months 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

#8.

of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with that article fourteen of that treaty? A All my mother's people came over here.
- Q Well do you know whether they done these things are not?
- A No sir.
- Q How then what is the name of your ancestor, grandfather or great-grandfather? A Joe Moore.
- Q What relation was he to you? A Grandfather.
- Q How old would he be if living now? A I don't remember.
- Q You claim through your mother? A Yes sir.
- Q She's dead? A Yes sir.
- Q How old would she be if living now? A I couldn't tell that.
- Q Did she live in Mississippi? A Yes sir.
- Q Did Joe Moore live in Mississippi at any time--your grandfather?
- A Yes sir.
- Q Did he live there in 1830? A I guess he did.
- Q Was he married at that time; did he have a family of children in 1830? A I don't know; they all moved west when I was so little.
- Q Do you know if any of your Choctaw ancestors lived in Mississippi in 1830 and were heads of families there then? A No sir.
- Q How did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation in 1830 under article fourteen of the treaty of 1830?
- A Yes they all had land.
- Q Did this ancestor, Joe Moore, own any land or claim any land, or any other Choctaw ancestor that you had in Mississippi or Alabama, under article fourteen of the treaty of 1830?
- A I don't know; I was too small.
- Q How 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 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 west of the Mississippi river between 1835 and 1838? A I only know that all of my mother's people came west.
- Q Do you know when they came? A No sir.
- Q Did they go to Texas when they came west? A I don't remember that; I think most of them came on to the Nation.

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 at that time, and tell him that they wanted to stay in Miss-

#4.

issippi, 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 Mississippi and upon which they had improvements, to lose both land and improvements upon the land; the government took them from them and sold them at its public land sales. This caused a great many complaints among the Indians so that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year, and this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I cant tell.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I couldn't tell you.

This scrip was issued under an act approved August 23, 1842.

- Q Have you any relatives who have appeared before this Commission at this time claiming to be Mississippi Choctaw Indians?
- A Not that I knew of.
- Q Is there anything more you want to say in support of your claim?
- A That's all.
- Q You haven't any affidavits or any other documentary form of evidence? A No sir.
- Q Do you want any time in which to introduce any other testimony?
- A I have no money to bring forward any other witnesses.

Reasonable time will be allowed this applicant in which to bring forth any other evidence she may desire in support of this application.

- 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 fair complexion or ruddy, dark gray eyes, formerly black hair now gray, doesn't 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.

Applicant excused.

Annie Smallwood, being first duly sworn as a witness, testified as follows:

- Q What is your name? A Annie Smallwood.
 Q What is your age Mrs. Smallwood? A Seventy.
 Q Where do you live? A Atoka.
 Q Are you a member of the Choctaw tribe? A Yes sir.
 Q Are you a full blood Choctaw? A No sir, half breed.
 Q When were you admitted into the Choctaw tribe? How many years ago? A I have always been a Choctaw.
 Q Have you always been a member of the tribe? A Yes sir.
 Q Your father and mother were and you have always been? A Yes sir.
 Q Well now what do you know about this applicant Martha J. Jeffreys having Choctaw blood; do you know any of her people? A Yes, she's relation to me and they were all Indians.
 Q What relation is she to you? A She's a niece--half niece.
 Q Which of her parents had the Choctaw blood? A Her mother.
 Q What relation was her mother to you? A She's a niece.
 Q Full niece? A Yessir.
 Q You are the great-aunt of this applicant? A Yes sir.
 Q Her mother was your niece? A Yes sir.
 Q And you go back to what common ancestor; this niece had a mother, was she Choctaw? A Yes.
 Q Or the father? A Mother.
 Q Wasn't that mother your sister? A Her mother?
 Q No, her mother's mother? A No.
 Q Did the father have the Choctaw blood? A No sir, the mother.
 Q Then Martha J. Jeffreys is related to you but she has none of your Choctaw blood has she; you are related to her by being the sister of her grandfather aren't you? A No her mother. Her mother was the daughter of my brother.
 Q Your brother was her grandfather? A Yes, was her grandfather.
 Q And that made her mother your niece? A Yes.
 Q And that makes you her great aunt? A Yes.
 Q So you know that she has Choctaw blood by knowing her family?
 A Why certainly.
 Q Do you know anything about her having lived in Mississippi?
 A Yes, she lived in Mississippi.
 Q And do you know when she came from Mississippi to the Choctaw Nation? A Oh she has been---about seven or eight years ago she was here and was called back home.
 Q She never went before the Dawes Commission? A No, she was called back home and never did come until the last three or four months she has been there.
 Q Now do you know anything about her people, your brother or any of her Choctaw people, living in Mississippi and complying with article fourteen of that treaty? A No, I don't think any of them did.
 Q When did your brother come here? A He never came here, he died.
 Q Did he get any land from the government? A I don't know; I think they did but I don't remember; of course I was small.
 Q Do you ever remember hearing the name of Colonel Wm. Ward, the United States Indian Agent in Mississippi? A No sir.

#6.

- Q You don't know anything about him? A No.
- Q You don't know whether your brother--her grandfather--or any of her Choctaw ancestors went to him for land or any rights?
- A I don't think they did.
- Q Never heard that any of her ancestors complied with the provisions of that article fourteen of the treaty of 1830?
- A I don't think they did, but I don't know anything about it.
- Q And never heard that they got any land under that treaty?
- A No sir.
- Q The article fourteen of it? A No sir.
- Q Is there anything more you want to say about her case?
- A No there aint anything more that I ----
- Q You never heard that any of her Choctaw ancestors went before the Commission of 1837 or 1842? A No sir, I never did.
- Q And never heard that any of her ancestors got any scrip from the government that entitled them to select land anywhere?
- A No sir, I never did.

This applicant, while she doesn't show a very great quantity of Choctaw blood, has a great-aunt, this witness, Annie Smallwood, who shows that she is at least a half blood Choctaw Indian and she testifies that this applicant's grandfather was her own brother. This witness shows fully the quantity of blood which she claims, and there is no question but that the applicant, Martha J. Jeffreys, has Choctaw Indian blood. While she says she does not know how much Choctaw blood she has, according to this witness' testimony the witness claims one-half Choctaw blood; her brother who was the grandfather of this applicant, Martha J. Jeffreys, would have one half Choctaw blood, and therefore this applicant's mother would have one-half of that which would be one-fourth, and this applicant would therefore have, if her grandfather was one-half Choctaw, one-eighth. She has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830, and has no knowledge of the Choctaw language.

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 8th day of May, 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.

Subscribed and sworn to before me this 21 day of May, 1902.

Charles H. Sawyer

Notary Public.

J. W. C. C.

MEMORANDUM OF THE COMMISSIONER,
BUREAU OF THE LAND OFFICE.

In the matter of the application of Martha J. Saffers for
identification as a Choctaw Indian, H. C. R. 3334.

FACTS.

It appears from the record hereon that an application for
identification as a Choctaw Indian was made to this Commission
by Martha J. Saffers, for herself, under the following provision
of the Act of Congress approved June 25, 1906, (34 Stat., 224):

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

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

eighteen hundred and thirty, by reason of being a descendant
of one Joe Moore, who is alleged to have been possessed of said
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 the 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 Stat., 531).

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 at-
tempted to comply with the provisions of said article fourteen of
the treaty of eighteen hundred and thirty, and to persons who
heretofore were claimants thereunder, that the said Joe Moore, 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 of the treaty
of eighteen hundred and thirty, or presented a claim to rights
thereunder to either of the Commissions authorized to adjudicate
such claims by the acts of Congress approved March 3, 1857, (10
Stat., 150) and August 22, 1858, (10 Stat., 513).

It is, therefore, the opinion of this Commission that the
evidence herein is insufficient to determine the identity of
George J. Jackson as a Choctaw Indian entitled to rights in the

COPY.

M.C.R. 6824

Muskogee, Indian Territory, October 22, 1902.

Manfield, McBarry & Cornish,

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

Gentlemen:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha J. Jeffreys, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 26, 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 Martha J. Jeffreys 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 applicant in this case

M. McM. & C. -----2

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

Respectfully,

(SIGNED).

James Dixby.

Acting Chairman.

COPY.

H. C. R. 5524

Muskogee, Indian Territory, October 22, 1902.

Martha J. Jeffreys,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha J. Jeffreys, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 23, 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 Martha J. Jeffreys 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 office, and that at the expiration of said time the papers in the

Martha J. Jeffreys-----2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixey.

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 4, 1902.

Martha J. Jeffreys,

Atoka, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of November 2, containing statement relative to your ancestors, and giving the names of certain relatives of yours who, you say, are enrolled as citizens.

In reply you are advised that the statement made by you has been filed with the record in your case and will be transmitted to the Secretary of the Interior for consideration, through the Commissioner of Indian Affairs, together with the original record therein, at the expiration of fifteen days from October 22, 1902.

You are advised that the Commission having rendered its decision refusing your application considers this case closed as to the introduction of additional testimony at this time, and you will be duly notified of the action of the Secretary of the Interior in your case.

You are further advised that the party of the Commission which will be in Atoka, Indian Territory, from November 17 to 21, 1902, inclusive, does not receive testimony in behalf of applica-

M.J.J. 2

them for identification as Mississippi Cheaters.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, November 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Martha J. Jeffreys, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 22, 1902.

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

There is also transmitted herewith a statement of Mrs. M. J. Jeffreys, the applicant in this case, received at this office subsequent to the rendition of the decision refusing her application for identification as a Mississippi Choctaw.

Respectfully,

(SIGNED)

Tamie Dixie,
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. No. R 5524

W.C.R. 5534.

Muskogee, Indian Territory, December 4, 1902.

Martha J. Jeffreys,

~~Atoka, Indian Territory.~~

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask to be allowed another opportunity to introduce evidence in support of your claim.

In reply, you are informed that the fifteen days from October 23, 1902, granted you within which to file arguments to be forwarded with the record in your case to the Secretary of the Interior through the Commissioner of Indian Affairs, expired November 6, 1902.

On November 7, 1902, the record in your case was forwarded to the Secretary of the Interior for review. Pending action thereon by him, the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

(COPY)

Land.
67812-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental action record of the Commission to the Five Civilized Tribes in the matter of the application of Martha J. Jeffreys for the identification of herself as a Mississippi Choctaw, wherein a decision adverse to her claims was made by the Commission on October 23, 1902. It appears from the record in this case that the applicant claims her right to identification as a Mississippi Choctaw on her descent from Joe Moore, her grandfather. She alleges that her Choctaw ancestor was a resident of the Choctaw Nation of Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the treaty of that year. The examiner for the Commission states that the applicant shows in her personal appearance trace of Choctaw blood.

In a letter dated November 2, 1902, addressed to the Commission to the Five Civilized Tribes, Mrs. Jeffreys, give the name of her great-grandfather as John Moore and states that he was the father of Joe Moore, her grand-father.

The Commission rejected the applicant for the reason that its records did not show that Joe Moore was one of these Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

In addition to the testimony of the applicant in this case the testimony of her aunt, Armie Smallwood, the sister of Joe Moore, was taken, her age ^{being} 70, which would lead to the presumption that Joe Moore being her brother was probably not of such age as to be the head of a family in 1830, but no questions was asked her as to who was her father or mother and the father and mother of Joe Moore, or as to where they lived in Mississippi at the time of the removal to the Choctaw Nation, Indian Territory, as to who were the members of the family at that time, nor was there drawn from her any further information relative to the family history which might have aided in determining whether the applicant was actually descended from the John Moore who was a reservee in the Choctaw Nation, through Joe Moore, the ancestor named. The applicant alleges that numerous members of her family are recognized and enrolled citizens of the Choctaw Nation and have been such throughout their whole lives.

The record of this case with reference to John Moore have been set out in reports to the Department in the case of Wilas Sharpe and others I. T. D. 7590-1902, 262, 4440-1903. In the light of the facts in this case it is evident that a final adjudication cannot be made without a further investigation and I,

therefore, recommend that the case be remanded to the Commission for rehearing, that it may be possible for the Department to say whether the applicant is actually a descendant from John Moore, the beneficiary under the 14th article or not.

A. C. JENNER,

Acting Commissioner.

HBH-R.

(COPY)

D.C. 17281

W.C.F.

ITD.4792-1903.

RAF

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

June 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 7, 1902, you transmitted the record in the matter of the application of Martha J. Jeffreys for identification as a Mississippi Choctaw, including your decision of October 28, 1902, refusing the application.

You rejected the applicant because it did not appear that her ancestor, Joe Moore, complied or attempted to comply with the provisions of article 14 of the treaty of 1850.

In a letter dated November 2, 1902, addressed to the Commission to the five Civilized Tribes Mrs. Jeffreys states that her great-grandfather was John Moore, father of Joe Moore.

The records in your possession and the records of the Indian Office show certain information regarding John Moore, as is shown by departmental letters of December 16, 1902, and May 22, 1903, relative to the case of Silas Sharp and others.

Receiving May 26, 1903, the Acting Commissioner of Indian Affairs recommends that the case be returned for further investigation.

-2-

The Department has carefully reviewed the whole record and is unwilling that the case should be finally adjudicated without a further investigation.

It is hereby remanded to you for appropriate action, and in so doing you are requested to follow instructions, so far as are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Respectfully,

Thos. Ryan,
Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, July 10, 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 June 11, 1903, remanded to this Commission the record theretofore forwarded to the Department in the Mississippi Choctaw case of Martha J. Jeffreys with instructions that the applicant be granted further opportunity to introduce testimony in support of her claim.

In accordance with said 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 Tuesday, August 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 10, 1903.

Martha J. Jeffreys,

Ateka, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of June 11, 1903, remanded to this Commission the record theretofore forwarded to the Department in the Mississippi Choctaw case of Martha J. Jeffreys with instructions that the applicant be granted an opportunity to introduce further testimony in support of her case.

The record in this case shows that the applicant claims her Choctaw descent from her grandfather, Joe Moore, and in a letter dated November 2, 1902, the applicant states that her great-grandfather was John Moore.

The records in the possession of the Commission and the records of the Indian Office show certain information regarding a John Moore who was a beneficiary under the provisions of article 14 of the treaty of 1830.

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

1st. Their description.

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

M. J. Jef. ---2

road.)

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

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

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

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

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

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, August 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for con-

M. J. J. 4448

consideration such documentary evidence as may be offered in support
of the above case.

Respectfully,

Commissioner in Charge,

R & R Dep.

Registered.

Washoe, Indian Territory, August 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On November 7, 1902, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Martha J. Jeffreys, together with its decision of October 22, 1902, refusing the application made by Martha J. Jeffreys for identification as a Mississippi Choctaw.

With departmental letter of June 11, 1903 (I T D 4792-1903) the record in this case was remanded in order that the applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on July 10, 1903, notified the applicant, Martha J. Jeffreys, that she would be allowed up to and inclusive of Tuesday, August 11, 1903, to introduce additional evidence in support of her application for identification as a Mississippi Choctaw, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicant, and no additional testimony having been offered by her,

-2-

the original record in said case, together with copies of notices furnished the medical and the attorneys for the Cherokee and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge,

Through the Commissioner
of Indian Affairs.

WAL 23

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
52, 554-1903.

WASHINGTON, Oct. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Martha J. Jeffreys, for the identification of herself as a Mississippi Choctaw, wherein a decision adverse to her was rendered by the commission on October 22, 1902.

May 26, 1903, the office transmitted this case, after careful consideration, with the recommendation that it be remanded to the commission for a rehearing.

June 11, 1903, the Department concurred in said recommendation and remanded the case to the commission for appropriate action, and further investigation, and directed in that so far as the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriett Adkins, M.C.R. 4964, were applicable, they be followed.

In accordance therewith the commission on July 10, 1903, notified the applicant, Martha J. Jeffreys, that she would be allowed up to and inclusive of Tuesday, August 11, 1903, to introduce

additional evidence in support of her application for identification as a Mississippi Choctaw, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw nations. At the expiration of that time no appearance having been entered by or ~~on behalf of the applicant~~ and no additional testimony having been offered by her, the original record in the case, together with copies of the notice furnished the applicant and the attorneys for the Choctaw and the Chickasaw nations, were forwarded to this office.

These being the facts in the case, it is respectfully recommended that the decision of the commission rejecting the applicant be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(C.T.C.) P.

(COPY).

DEPARTMENT OF THE INTERIOR.

HAF.

D.C. 32331
ITD. 7642-1903.
L.R.S.

WASHINGTON,

November 18, 1903.

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

Gentlemen:

August 12, 1903, you transmitted the record in the matter of the application for identification of Martha J. Jeffreys as a Mississippi Choctaw Indian, including your decision of October 22, 1902, refusing the application.

You report that in accordance with Departmental letter of June 11, 1903, remanding the record in this case, the Commission on July 10, 1903, notified the applicant that she would be allowed up to and inclusive of August 11, 1903, within which to introduce additional evidence in support of her application for identification as a Mississippi Choctaw; that during said time no appearance was entered by or on behalf of the applicant and no additional testimony was offered by her.

Forwarding your letter on October 24, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be affirmed.

It is considered that the rights of the applicant have been duly protected. The evidence submitted is insufficient to determine her identity as a Mississippi Choctaw Indian, and your

decision is accordingly affirmed.

Inclosed herewith is a copy of the Commissioner's letter.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

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. O. R. 5524.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 30, 1903.

Martha J. Jeffreys,
Atoka, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as Mississippi Choctaw of which decision you were advised by registered mail on the 22nd day of October, 1903.

Respectfully,



Chairman.

COPY:

H.O.R. 5524.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Martha J. Jeffreys for identification as a Mississippi Choctaw of which decision you were advised by mail on the 22nd day of October, 1902.

Respectfully,

(Signed)

Tamm Bixby
Chairman.

For Identification as a Mississippi Choctaw.

MAY 8 1902

Date

Name Martha J. Jefferys

Age 47 Blood Don't know.

Post-Office, Atoka, I. T.

Father: James B. Mitchell

Mother: Sarah " d

Claims through ~~husband~~ mother —
Oliver M. Jefferys, (W), (d).

Children:

Claims for self
above.



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

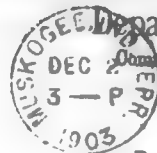
FILED

JAN 13 1904

A handwritten signature or scribble in dark ink, possibly reading "W. H. ...".

CHIEF

M. J. J.
5524
file



Department of the Interior.

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

OFFICIAL BUSINESS

Penalty for private use, \$300.

Martha J. Jeffreys,

Atoka, Indian Territory.

Choctaw MCR 5525

William F. Chambers

See MCR 5670

MCR 5525

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., May 9, 1908.

X 6 - 2225 -

In the matter of the application of William F. Chambers
for identification of himself and his six minor children, Daniel
Chambers, Alvin Bruce Chambers, Margaret Elizabeth Chambers, William
Levy Chambers, Hirdie May Chambers, and John Bruce Chambers, as
descendants of Chambers.

Applicant not represented by Attorney.

William F. Chambers having been duly sworn testified as
follows:

Examined by the Commission.

- Q. What is your name? A. William F. Chambers.
- Q. How old are you? A. I am forty-eight years old.
- Q. What is your post-office address? A. Lewis, Texas.
- Q. How long have you lived there? A. Twenty-six years.
- Q. Where were you born? A. In Kentucky.
- Q. How long did you live in Kentucky? A. My parents remained there
four years after I was born.
- Q. Where did you go from Kentucky? A. To Missouri.
- Q. When was that? A. My father moved to Missouri and in the city of
Iowa when I was a boy.
- Q. In what state were you living just before you came to Texas?
A. In Missouri.
- Q. How long did you live in Missouri, and how long have you lived in
Texas? A. About twenty-eight years.
- Q. Is your father living? A. Yes, sir.
- Q. Is your mother living? A. Yes, sir.

- Q. What is your father's name? A. Jasper Chambers.
Q. What is your mother's name? A. Elizabeth Chambers.
Q. You claim Choctaw blood through which parent? A. My father.
Q. How much Choctaw blood do you claim? A. One-eighth, from what I have been told.
Q. Has your father ever been recognized in any way or enrolled as a citizen of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you the proof of the marriage of your father and mother with you? A. No.
Q. Can you introduce it later if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. What is the name of your wife? A. Sarah Jane Chambers.
Q. Is she living? A. Yes, sir.
Q. Is she an Indian or a white woman? A. White woman.
Q. You don't make any claim for her, do you? A. No, sir.
Q. Have you any children under twenty-one years of age and unmarried for whom you want to make application? A. I have six children.
Q. Six unmarried? A. Yes, sir.
Q. Give me the name of the eldest one? A. Daniel Chambers.
Q. How old is he? A. Eighteen, he is going on eighteen, but is now seventeen.
Q. Give me the name of the next one A. Alvin Moses Chambers.
Q. How old? A. Fifteen.
Q. The next one? A. Margaret Elizabeth.
Q. How old is she? A. Fourteen.
Q. Next? A. William Henry.
Q. How old is he? A. Twelve years old.
Q. Next? A. Birdie May.
Q. How old? A. Seven years old.
Q. Next? A. John Ervin.
Q. How old is he? A. Four years old.
Q. Is that all? A. That's all.
Q. You claim for self and these six children? A. Yes, sir.
Q. Is Sarah J. Chambers the mother of these children? A. She is.
Q. And you are their father? A. Yes, sir.
Q. Are you and your wife living together as husband and wife and are these children with you at your home? A. Yes, sir.
Q. Were either you or your wife married before you married to each other? A. No, sir.
Q. Have you the proof of your marriage to your wife with you? A. No, sir.
Q. Can you introduce it later, if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, not that I know of.
Q. Have you ever made application for the enrollment of yourself and these children to the tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever made application to the Payne Commission for enrollment under the act of Congress of June 10, 1896? A. No, I want to make application under section fourteen of the treaty of 1830.

- Q. But you have never made application under this law of June 10, 1896, or any other law, have you? A. No, sir.
- Q. You now came before the Commission to make application for the identification of 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, sometimes called the Treaty of Dancing Rabbit Creek, was made in Mississippi at a place called Dancing Rabbit Creek, on the 25th day of September, 1830; and it was ~~made~~ for the special purpose of removing as far as possible all the Choctaw Indians from the old Choctaw nation east of Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many of the Choctaw Indians would refuse to go, and in order to protect the interests of those who remained in Mississippi article fourteen was drawn up and put into the treaty, and it was then signed, and afterwards on the 18th of February, 1831, it was ratified.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be allowed entitled to a reservation of one section of six hundred and forty acres of land to be bound by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 you or any of your Choctaw ancestors comply with the provisions of article fourteen of the treaty of 1830? A. No, sir.
- Q. You don't know whether any of your ancestors complied or attempted to comply with the provisions of that article? A. No, sir.
- Q. Do you understand article fourteen well enough to claim under it? A. No, sir.
- Q. Don't you understand it well enough to make this application? A. Now, I can go on to state to you that my mother, or I mean my father's mother was a Hanks.
- Q. I don't want to know that now. I am asking if you understand this article which I have read well enough to claim under it? Have you any idea what that treaty was for? A. Yes, sir.
- Q. Article fourteen was put into the treaty of 1830 to protect all those Choctaw Indians who remained in Mississippi after the treaty was ratified. A. Yes, I understand.
- Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. John Harper.

- Q. What relation was he to you? A. He was my father's great-grandfather.
- Q. And that would make him what relation you? A. My great-great-grandfather.
- Q. That is going away back---do you know whether he lived in Mississippi or Alabama in 1830 in the old Choctaw Nation, and had a family there? A. I was told he lived there and had children there then?
- Q. He was a head of a family in Mississippi in 1830? A. That is my understanding.
- Q. How much Choctaw blood did he have? A. My uncles and aunts both told me he was a full blood.
- Q. Did he speak the Choctaw language? A. Yes, sir.
- Q. How do you know? A. My father and mother both said so.
- Q. Did he have an Indian name, or any other name but John Harper? A. Not that I know of.
- Q. Did he have a Choctaw name? A. I don't know.
- Q. Did he live in Mississippi all his life? A. No, sir. He moved from Mississippi to Tennessee and then to Kentucky, and he died in Kentucky.
- Q. How old would he be if living now? A. I don't know. Fielden Hanks married his daughter, Lizzie Harper.
- Q. You claim through your father? A. Yes, sir.
- Q. Has he ever been before the Commission to be identified as a Mississippi Choctaw? A. No, sir.
- Q. Is he coming? A. He will if he is able.
- Q. Where is he? A. In Texas.
- Q. How old is he? A. Right at seventy.
- Q. He was born in Kentucky, and claims through his father or mother? A. Through his mother.
- Q. Was she living in Mississippi in the old Choctaw nation in 1830? A. That is what they say.
- Q. You say your father would be over seventy years old, but was born in Kentucky? A. Yes, sir.
- Q. Was his mother, your grandmother, born in Mississippi? A. Yes, sir.
- Q. Was she born in Mississippi and did she claim through her father or mother? A. I don't know how she claimed, but I suppose that her parents were both Indians.
- Q. What was her father's name? A. Fielden Hanks.
- Q. What was her mother's name? A. Lady Harper.
- Q. A daughter of John Harper? A. Yes, sir.
- Q. How do you know she lived in Mississippi? A. I have heard them tell the story of grandfather running away from his father, when a boy, and going sparking. I have heard that Joel would slip off from his father and they could not control him, and he went over in Tennessee sparking from Mississippi, and was married to grandmother over there, and that is why I knew they lived in Mississippi.
- Q. Have you any other reason why you know they lived in Mississippi in 1830? A. No, sir.
- Q. Did any of your ancestors own any lands in Mississippi under article fourteen of the treaty of 1830? A. Not that I know of.
- Q. Did any of your ancestors after the ratification of the treaty of 1830 go to Col. Ward the United States Indian Agent and tell him they wanted to stay, take lands and become citizens of the States? A. I cannot tell about that.

- Q. Did any of them that you knew of come to Indian Territory with other Indians who came between 1835 and 1838 and 1840? Not that I know of. My uncle told me that my great-great-grandfather didn't want to move to Indian Territory on account of the trouble they would have.
- Q. Was that the John Harper, who went to Kentucky? A. Yes, sir.
- Q. Did any of your Choctaw ancestors at any time come to Indian Territory? to live? A. Not that I knew of. My aunt Katie Ogden, grandfather's sister, when her husband died, came to Indian Territory some where to one of my father's relatives by the name of Harper. She tried long ago to get me to come and prove my claim. I don't remember the names of these Harpers.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty, to go to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this when

names Colonel Ward failed to put upon his list, known as "Ward's Register." His neglect to do this caused a great many Choctaw Indians in Mississippi to lose both their lands and their improvements, for both were taken from them by the government and sold; this caused a good many Choctaw Indians to make complaints, so that in 1837, on the 3rd day of March of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed for the same purpose, by an act of congress of August 23rd of that year. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

- Q. Do you know if any of your ancestors went before either of these commissions and made claimants under article fourteen of the treaty of 1830? A. I don't know.
- Q. Did any of your ancestors receive any scrip from the government issued under the act of August 23, 1842, which entitled them to take lands from the vacant government lands in Mississippi Alabama, Louisiana or Arkansas, in place of lands taken from them by the government and sold? A. Not that I knew of.
- Q. Have you any kin folks who have been before this Commission to be identified as Mississippi Choctaws? A. No, sir.
- Q. Have any of your relatives been here, claiming through John Harper? A. I don't know.
- Q. You have had some kin here, haven't you? A. My brother Sam and I were here, but no other relatives have been here.
- Q. Don't you know of any of your slightest blood relatives who have been here to be identified as Mississippi Choctaws? A. No.
- Q. Have you any other proof or evidence of any kind you want to introduce in this case? A. No, sir.
- Q. Do you want any time in which to present other evidence later? A. I guess so.

A reasonable time will be allowed in which to introduce other evidence in this application, if desired.

- Q. Can you speak the Choctaw language? A. Yes, sir.
Q. Anything more you would like to say now in support of this claim? A. Nothing, only the other evidence I am want to produce.

This applicant has the appearance and physical characteristics of being descended from white parents; he has dark complexion, brown eyes, black hair, reddish-dark mustache. He does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 9, 1902; and that the foregoing is a true, full and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 12th day of May, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R 2026

Muskogee, Indian Territory, June 19, 1902.

William P. Chambers,
Izora, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between W. P. Chambers and Miss Nellie McKinzie, 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 this case.

Receipt is also acknowledged of certificate of the Clerk of Morgan County, Kentucky, as to the marriage of Jasper Chambers and Elizabeth Spencer, and the same has also been filed with the record in the above named case.

Yours truly,

Commissioner in Charge.

M C R 5525

Muskogee, Indian Territory, November 4, 1903.

William F. Chambers,

Izora, Texas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 5925

Muskogee, Indian Territory, March 18, 1904.

William F. Chambers,
Isore, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your six minor children, Daniel, Alvin M., Margaret E., William H., Birdie May, and John Ervin Chambers, was made a part, refusing said application.

This decision is subject to your inspection, and you are further advised that the record in this case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M. C. R. 5525.

Muskogee, Indian Territory, June 26, 1905.

William F. Chambers,
Isoro, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March 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 Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

MAY 9 1902

Date

Name William F. Chambers

Age 48 - Blood 1/8

Post-Office, IZARD, Texas.

Father: Jasper Chambers, l

Mother: Elizabeth - " - l

Claims through father -
wife Sarah Jane Chambers, l w.
claim for wife -

Children:

- Daniel Chambers. 17
- Alvin M. " 15
- Margaret E. " 14
- William H. " 12
- Birdie May " 7
- John Erwin " 4

Claims for self & children -

Choctaw MCR 5526

Sampson D. Chambers

See MCR 5670

MCR 5526

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, I. T., May 9, 1902.

H C - 5528 -

In the matter of the application of Sampson D. Chambers for identification of himself and his five minor children, Noah Benjamin Chambers, Sarah M. Chambers, Minnie B. Chambers, Susan Jane Chambers, Mary Ann Chambers, as Mississippi Choctaws.

Applicant not represented by Attorney.

Sampson D. Chambers, after being duly sworn, testified as follows:

Examination by the Commission,

- Q. What is your name? A. Sampson D. Chambers.
Q. How old are you? A. Thirty years of age.
Q. What is your post-office address? A. Walker, I. T.
Q. How long have you lived at Walker? A. A little over four months.
Q. Where did you live before you moved to Walker? A. In Texas.
Q. Have you always lived in Texas? A. No, I was born in Arkansas.
Q. How old were you when you went from Arkansas to Texas? A. I went to Texas when I was three years old.
Q. And you came from Texas to Indian Territory? A. Yes, sir.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Jasper Chambers.
Q. What is your mother's name? A. Elizabeth Chambers.
Q. You claim through which parent? A. My father.
Q. How much Choctaw blood do you claim? A. One-eighth.
Q. Have you the proof of the marriage of your father and mother with you? A. No, sir.
Q. Can you introduce it later if given time? A. Yes, sir.
Q. Has your father ever been recognized in any way as a Choctaw Indian or enrolled in Indian Territory? A. No, sir.

- Q. Do you know when and where your father and mother were married?
A. No, sir.
- Q. Do you know whether they were married under a license and by a minister? A. No, sir.
- Q. Are you married? A. Yes, sir.
- Q. Is your wife living? A. Yes, sir.
- Q. Have you any children you want to make application for? A. I have five children.
- Q. Is your present wife the natural mother of these children? A. Yes, sir.
- Q. Is she a white woman or a Choctaw Indian? A. A white woman.
- Q. What is her name? A. Ivey Chambers.
- Q. Do you make any claim for her? A. No, sir.
- Q. Give me the name of your oldest child that you want to make application for? A. Noah Benjamin Chambers.
- Q. How old is he? A. He was born Feb. 24, 1895, and is seven years old.
- Q. Give me the name of the next one? A. Sarah M.
- Q. How old is she? Five years old.
- Q. The next one? A. Minnie E. Chambers.
- Q. How old is she? A. Three years old.
- Q. Next? A. Emma Jane Chambers.
- Q. How old is she? A. ~~Eleven months and six days~~ A year and 11 months old.
- Q. The next one? A. Mary Ann Chambers.
- Q. How old is she? A. About one month old.
- Q. Is your wife, Ivey, the mother of these children? A. She is.
- Q. When and where were you married to your wife, Ivey? A. In Texas, nine years ago.
- Q. Have you the proof of your marriage? A. No, sir.
- Q. Can you introduce it later? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Were you married by a minister under a license? A. Yes, sir.
- Q. Were either of you ever married before you married each other?
A. No, sir.
- Q. Are you now living together as husband and wife? A. Yes, sir.
- Q. And these children are with you at your home? A. Yes, sir.
- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A. No, sir.
- Q. Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities or to the United States authorities in 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. Have you before this time made any application to any authority whatever for citizenship in the Choctaw nation for yourself and children? A. I have not.
- Q. Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities by the Commission to the Five Civilized Tribes or by 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 14 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 Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation in Mississippi to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would refuse to go, and article fourteen was drawn up and put into the treaty for the purpose of those Choctaw Indians who remained, to protect their interests.

Article fourteen reads as follows:

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

- Q. Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty or not? A. I could not testify whether they did or not.
- Q. You understand that article well enough to make your application under it, do you? A. Yes, sir.
- Q. What is the name of your ancestor through whom you claim the right to be identified? A. John Harper.
- Q. What relation was John Harper to you? A. I have been told by my father that my great-grandmother was a daughter of John Harper.
- Q. Then he was your great-great-grandfather? A. Yes, sir.
- Q. How much Choctaw blood did he have? A. He was a full blood.
- Q. Do you know whether he was married and living in Mississippi in 1830? A. I don't know.
- Q. Do you know of any of your Choctaw ancestors who were living in Mississippi in 1830 and had families there then? A. No, sir.
- Q. Do you know the name of John Harper's wife? A. I do not.
- Q. You claim through your father? A. Yes, sir.
- Q. Where was he born? A. In Kentucky.
- Q. Then he went to what state? A. I don't know, but I was born in Arkansas. He lived in Arkansas when I was born, and then moved to Texas.
- Q. You cannot give me the name of an ancestor of yours who lived in Mississippi in 1830, and was the head of a family? A. No. I have been told that John Harper lived in Mississippi.

- Q. Were you ever told that he was the head of a family in Missis -
sippi in 1830? A. No, sir; I don't know.
- Q. Did you have any other ancestor who lived in Mississippi in
1830 and had a family? A. I cannot say.
- Q. You will understand the reason for the question is this, article
14 begins with "Each Choctaw head of a family being desirous
to remain and become a citizen of the States--", and it oc-
curs again in the article, where it recites that the reser-
vation shall include the present improvements "of the head of
the family". That is why these questions are asked, to ascer-
tain if any of your ancestors were heads of families in 1830
in the state of Mississippi? A. I understand that.
- Q. You cannot establish that fact? A. No, sir.
- Q. You don't know how old your grandfather would be if living now?
A. No, sir.
- Q. Did any of your Choctaw ancestors own any improvements on lands
in Mississippi in the old Choctaw Nation 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 Colonel Ward, the
U. S. Indian Agent, and tell him they wanted to remain, take
lands and become citizens of the States? A. Not that I know
of. I can't produce that evidence at present.
- Q. Did any of your Choctaw ancestors go from that old Choctaw Na-
tion with the other Indians between 1833 and 1838 and 1840 to
Indian Territory to the Choctaw nation there? A. It seems
that I have heard father speak about it; I cannot be positive.
- Q. Did any of your Choctaw ancestors claim any rights or benefits
under article fourteen of the treaty of 1830? A. I don't
know.

The Choctaw Indians who remained in the old Choctaw Na-
tion after the treaty of 1830 was ratified were required, if
they wanted to take advantage of the provisions of article
14 of the treaty of 1830, to go to Colonel Ward, the United
States Indian Agent, and tell him they wanted to stay, take
lands and become citizens of the States; but a great 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 great many Choctaw Indians in Mississippi
to lose both their lands and improvements, for both were taken
from them by the Government and sold at its public land sales.
This caused so many complaints among the Choctaw Indians that
in 1837 congress, by an act of March 3 of that year, appointed
a commission which went to Mississippi and heard claimants
under article fourteen of the treaty of 1830. In 1842 another
commission was appointed, by an act of August 23 of that year.
Both commissions went to Mississippi and heard claimants under
article fourteen of the treaty of 1830, and made lists of
such names as came before them.

- Q. Did any of your ancestors go before either of those commissions
and claim benefits as Mississippi Choctaws? A. I have heard
my father say that John Harper lived in Tennessee and died in
Kentucky, but I do not know whether any of them claimed any
benefits under article 14.

- Q. Did any of your Chectaw ancestors receive any scrip from the Government which entitled them to select lands from the vacant lands in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of those which the government had taken from them and sold? A. I cannot say.
- Q. This scrip was issued under authority of the act of congress of August 23, 1842, and was issued to those who had had lands or improvements taken from them and sold.
- Q. Is William F. Chambers related to you? A. He is my brother.
- Q. Has he made application to the Commission on this date? A. Yes.
- Q. Do you want your case and his considered together? A. Yes, sir.
- Q. Have you any other evidence you want to introduce in support of your application? A. Yes, sir.

A reasonable time will be allowed this applicant in which to introduce other evidence, if he desires.

- Q. Do you speak the Chectaw language? A. No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark hair--dark brown--, light brown mustache, blue eyes and medium fair complexion. He has no knowledge of the Chectaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on the 9th day of May, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same.



Subscribed and sworn to before me this 13th day of May, 1902.



Notary Public .

Miss. Choc. 6888

Waukegon, Indian Territory, July 18, 1908.

S. B. Chambers,

Waukegon, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 4th, asking if marriage license between S. B. Chambers and Miss Ivy Oats had been received by the Commission.

In reply you are informed that the Commission received, on the 11th instant, the marriage license and certificate above referred to and the same has been filed with the record in your case.

Yours truly,

Acting Chairman.

M C R 5526

Muskogee, Indian Territory, November 4, 1903.

Sampson D. Chambers,

Walker, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 8826

Muskegee, Indian Territory, March 18, 1904.

Sampson D. Chambers,

Walker, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five minor children, Noah B., Sarah M., Minnie E., Emma Jane and Mary Ann Chambers, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M. C. R. 5526.

Muskogee, Indian Territory, June 26, 1905.

Sampson D. Chambers,

Walker, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March 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 Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 9, 1902

Name Sampson W. Chambers.

Age 30 Blood 1/8

Post-Office, Walker, I. T.

Father: Jasper Chambers, l

Mother: Elizabeth " l.

Claims through father
wife ~~Lida~~ Ivey " l. w

No claim for wife -

Children:

- Noah B. Chambers, 7
- Sarah M. " 5
- Minnie E. " 3
- Emma Jane " 1-11
- Mary Ann. " 1m.

Claim for self & children

Stenographer D. A. Apple.

Choctaw MCR 5527

Joel B. Chambers

See MCR 5670

MCR 5527

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 2, 1902.

M. S. - 2527 -

In the matter of the application of Joel B. Chambers for identification of himself and his four minor children as Mississippi Choctaws. Children: George W. L. Chambers, Henry Jefferson Chambers, Elizabeth Chambers, and Benjamin F. Chambers.

Applicant has no attorney.

Joel B. Chambers being first duly sworn testified as follows:

Examination by the Commission.

- Q. What is your name? A. Joel B. Chambers.
Q. How old are you? A. I am forty-three.
Q. What is your post-office address? A. Violet, Oklahoma.
Q. How long have you lived there? A. Nine months.
Q. How long have you lived in Oklahoma? A. I live in the Seminole Nation.
Q. While your post office is in Oklahoma you live in the Seminole Nation? A. Yes, I have been in the Chickasaw and Seminole Nations for a little over two years.
Q. Where did you live before you went there? A. In Texas.
Q. Where were you born? A. I was born in Missouri.
Q. How long did you live in Missouri? A. My father went to Louisiana during the war, and then he moved back to Arkansas, and from Arkansas to Texas.
Q. Did you live in Texas then until you moved to Indian Territory?
A. Yes, sir.
Q. Is your father living? A. Yes, sir.

- Q. Is your mother living? A. Yes, sir.
- Q. What is your father's name? A. Jasper Chambers.
- Q. What is your mother's name? A. Elizabeth Chambers.
- Q. Through which parent do you claim the right to be identified as a Mississippi Choctaw? A. My father.
- Q. How much Choctaw blood do you claim? A. One-eighth.
- Q. Has your father ever been recognized in any way or enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. Not that I know of.
- Q. Have you the proof of the marriage of your father and mother? A. No, sir.
- Q. Can you introduce it later, if given time? A. Yes, sir.
- Q. Can you tell when and where your father and mother were married? A. I am sure they were married in Kentucky, but I can not tell when.
- Q. Can you introduce that proof later? A. Yes, sir.
- Q. Are you married? A. Yes, sir.
- Q. Is your wife living? A. Yes, sir.
- Q. Is she a white woman or an Indian? A. White woman.
- Q. What is her name? A. Emma Jane Chambers.
- Q. Give me the name of your eldest child unmarried and under age? A. George W. L. Chambers.
- Q. How old is he? A. Nineteen.
- Q. Is he married? A. No, sir.
- Q. Give the name of the next? A. Henry Jefferson Chambers.
- Q. How old is he? A. Seventeen.
- Q. The next one? A. Elizabeth Chambers.
- Q. How old is she? A. Fourteen.
- Q. Next? A. Benjamin F. Chambers.
- Q. How old is he? A. Twelve years old.
- Q. Is that all? A. That's all.
- Q. Is Emma Jane Chambers the mother of these children? A. Yes, sir.
- Q. Are you and your living together and are these children with you at your home? A. Yes, sir.
- Q. Have you the evidence of your marriage to your wife with you? A. No, sir.
- Q. Can you introduce later, if given time?? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, not that I knew of.
- Q. Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application to be enrolled as a citizen of the Choctaw Nation under the act of Congress of June 10, 1896? A. I have not.
- Q. You have never made any application before this, have you, and you nor your children have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or by the Commission to the Five Civilized Tribes or by the United States court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission and claim the right to identify yourself and children as Mississippi Choctaws, claiming rights under article 14 of the treaty of 1830? A. Yes, sir.

Q. Do you understand that article of that treaty? A. Not thoroughly, I don't.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made in Mississippi at a place by that name on the 27th day of September, 1830; and the object of the treaty was to remove all the Choctaw Indians as far as possible from the Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go, and in order to protect the rights of those who remained the fourteenth article was drawn up and put into the treaty. The treaty was signed and afterwards in February, 1831, was ratified.

Article fourteen reads as follows:

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

- Q. Do you think you understand that article now? A. I think I do.
- Q. What is the name of your ancestor through whom you claim Choctaw blood? A. John Harper.
- Q. What relation was John Harper to you? A. My great-great-grand father.
- Q. Did he live in Mississippi or Alabama in 1830? A. I have been told that he lived in Mississippi in 1830.
- Q. And was he the head of a family there? A. It was my understanding; yes, sir.
- Q. That is family history and tradition? A. Yes, sir.
- Q. How old would John Harper be, if he were living now? A. I can't tell.
- Q. What relation are Sampson D. Chambers and William F. Chambers to you? A. We are brothers.
- Q. You are all brothers? A. Yes, sir.
- Q. Do you want the cases all consolidated, in order that one of you may get the benefit of the testimony in the others? A. Yes, sir.
- Q. Are there any other relatives to come before the Commission? A. I don't know.

- Q. Have you any relatives besides your brothers who have been before the Commission? A. Not that I know of.
- Q. Did any of your Choctaw ancestors own any land in Mississippi in 1830? A. I don't know.
- Q. Did any of them own or claim any lands under article 14 of the treaty of 1830? A. I don't know.
- Q. Did any of your ancestors ever go to Col. Ward, the United States Indian agent, within six months after the treaty of 1830 was ratified, and tell him they wanted to stay in Mississippi and take lands and become citizens of the States? A. I cannot say.
- Q. Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River with the other Indians in 1833 to 1838 to the Choctaw nation in Indian Territory? A. Not that I know of.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty, to go to Colonel Ward the United States Indian Agent within six months after the treaty was ratified, and tell him they wanted to remain, take lands 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". His neglect to do this caused a great many Choctaws in Mississippi to lose their lands upon which they had improvements, for both were taken from them by the Government and sold. This caused so many complaints among the Choctaw Indians that congress, by an act of March 3rd 1837, sent a commission to Mississippi which heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of August 23 of that year, congress appointed another commission, and both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names of those who came before them.

- Q. Did any of your ancestors go before either of those commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A. Not that I knew of.
- Q. Did any of your ancestors receive any scrip from the Government which entitled them to lands in Mississippi, Alabama, Louisiana or Arkansas in the place of those lands which had been taken away from them by the Government and sold? A. Not that I know of.
- Q. This scrip was issued under the act of congress of August 23, 1842, and entitled the holders to select lands in place of those taken from them and sold. A. I don't know whether they received any or not.
- Q. Is there any other evidence you want to introduce now in support of this claim? A. No, sir.
- Q. Do you care for any further time in which to introduce other evidence in support of your application.
A. I would like some time.

A reasonable time will be allowed this applicant in which to present other 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 now in support of your claim? A. I don't know as there is.

This applicant has the appearance and physical characteristics of being descended from white parents; he has brown eyes, a dark complexion, brown hair, and a slightly brown mustache. He does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

B. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on May 9, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in case.

B. A. Apple

Subscribed and sworn to before me this 13th day of May, 1902.

Charles H. Sawyer

Notary Public.

U.S.D. 2007.

Mustage, Indian Territory, August 20, 1904.

J.B. Chambers,

Violet, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between J.B. Chambers and E.J. Brown, which you offer for filing in support of the application made by you for the identification of yourself and minor children as Minnie Estep Chambers.

The same has been filed with the record in your case.

Yours truly,

Acting Chairman.

H.O.R.

McKeete, Indian Territory, December 2, 1902.

J. E. & G. W. Chambers,

McGee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask to be advised whether your cases have been passed upon.

In reply you are informed that it appears from the records of the Commission that Joel E. Chambers is an applicant for the identification of himself and four minor children as Mississippi Choctaws, and that George W. Chambers is an applicant for the identification of himself and minor child as Mississippi Choctaws.

No opinion or decision has yet been reached in these cases but they are now being considered and it is probable that decisions will be rendered in the near future when the applicants will be duly notified of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Respectfully,

Acting Chairman,

W. C. R. 5027

Muskogee, Indian Territory, May 18, 1903.

Blanton, Andrews & Currie,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you asked to be advised the present status of the Mississippi Choctaw case of Joel B. Chambers, et al.

In reply to your letter you are informed that it appears from our records that Joel B. Chambers made application to this Commission for the identification of himself and minor children 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 the applicants will be notified of the action of the Commission.

Joel B. Chambers and his four minor children for whom application was made, occupy the status of applicants to this Commission for identification as Mississippi Choctaws, whose rights have in no manner been determined.

Respectfully,

Commissioner in Charge.

M C R 5827

Muskogee, Indian Territory, November 4, 1903.

Joel B. Chambers,

Violet, Oklahoma.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 5527

Muskogee, Indian Territory, March 17, 1904.

Joel B. Chambers,

McGee Violet, Oklahoma- J. J.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your four minor children, George W. L., Henry J., Elizabeth and Benjamin F. Chambers, was made a part, refusing said application.

You are further advised that notice of such decision has been furnished your attorneys of record, Messrs. Blanton, Andrews & Currie, Ada, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

N. O. R. 5527.

Muskogee, Indian Territory, June 26, 1905.

Joel B. Chambers,

Violet, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 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 Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 9 1902

Name Joel B. Chambers,

Age 43 - Blood "8

Post-Office, Violet, Okla,

Father: Jasper Chambers l

Mother: Elizabeth " l.

Claims through father
wife, Emma Jones " l. w.

Children:

George W. L. Chambers, 19

Henry J. " 17

Elizabeth " 14

Benjamin E. F. " 12

Claim for self & children

Stenographer A. A. Apple.

Letter

OKLAHOMA
MAY 1985

WIDE
JUN 1985
OKLAHOMA

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

Return to
Writers
of Such Person
here
MCR 552

Joel B. Chambers,

Violet, Oklahoma.



Choctaw MCR 5528

Maggie Lee Glance

See MCR 1276

MCR 5528

7-R 706

Department of the Interior
Commission to the Five Civilized Tribes
Mustagee, I. T. July 12, 1900.

In the matter of the application for enrollment as citizens by blood of herself and seven minor children, Maggie Lee Glance being duly sworn:

- Q What is your name? A Maggie Glance.
- Q What is your age? A I am 36 past.
- Q What is your postoffice address? A Rolf.
- Q Do you live at Rolf? A No sir, about three miles from there.
- Q You have your residence and all your personal belongings about three miles from Rolf? A Yes sir.
- Q How long have you lived there? A We have been living there about four years.
- Q How much Choctaw blood do you claim? A One quarter.
- Q What is your father's name? A James Patterson.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Sarah Gaden.
- Q Gaden was her maiden name? A Yes sir.
- Q Through which one of your parents do you claim your Indian blood? A My mother.
- Q Was her name ever on the tribal rolls of the Choctaw Nation? A No sir.
- Q Was she ever recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian? A No sir.
- Q Is your mother dead? A Yes sir.
- Q When did your mother die? A About 32 years ago.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian? A No sir.
- Q Did you ever apply to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
- Q Did you or did any one apply for you in 1894 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1894? A No sir.
- Q Have you ever prior to this time made application either to the tribal authorities of the Choctaw Nation or to this Commission for enrollment as a citizen of the Choctaw Nation? A No sir, I want to the Commission once but they did not have power to enroll me. It was at Stonewall.
- Q When was that? A Year before last.
- Q You then did make application for enrollment in 1897? A Yes sir.
- Q What action did the Commission take at that time. They refused to enroll me.
- Q They refused to enroll you? A Yes sir.
- Q What is your ground at this time claiming for right to enrollment as a citizen of the Choctaw Nation. I have got two brothers on the Choctaw roll.
- Q What are their names? A James Patterson and Walter Patterson.
- Q How did they get on the Choctaw roll. They came to the Choctaw Council.
- Q They were admitted by an act of Council. A Yes sir.
- Q When? A About 17 years ago.
- Q They have been enrolled by this Commission? A Yes sir.
- Q Do you know where they were enrolled? A One was enrolled at North McAlester and the other at Oakland.
- Q You state that these two were admitted to citizenship in the Choctaw Nation by an act of Council of the Choctaw Nation? A Yes sir.

Maggie Lee Glance

Q Did you apply to the Choctaw Council at the time that your brothers did? A No sir.

Q Have you ever made application? A No sir.

Q Your name was not in the act of Council admitting them to citizenship? A No sir. They did not know where we was at the time.

The records of the Commission examined and the name of Walton Patterson found on Choctaw Roll Card, Field No. 8867.

The records of the Commission examined and the name of James Patterson 46 years of age, found on Choctaw Roll Card Field No. 4690.

James and Walton Patterson above referred to were admitted by an act of the Choctaw Council approved November 6th, 1894.

Q Mrs Glance, you stated that your name was not in the application that was made to the Choctaw Council in 1884? A Yes sir.

Q Have you a copy of that act that you now desire to submit in evidence in support of your application? A No sir.

Q As I understand this, your claim for enrollment of yourself and the enrollment of your children at this time is by reason of the fact that your two brothers, James Patterson and Walton Patterson were admitted to citizenship in the Choctaw Nation by an act of Council of that Nation? A Yes sir.

Q That you were not in the application made to the Council at that time? A No sir.

Q Neither have you been recognized by the Choctaw tribal authorities, nor is your name on any of the rolls of the Choctaw Nation nor did you make application to the Commission in 1896, nor have you been admitted to citizenship by this Commission or by a judgment of the United States Court. A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Hunter Glance.

Q Do you make any claim for him? A No sir.

Q What is his age? A 46 years old.

Q Have you any children? A Yes sir.

Q Are they under twenty-one years of age and unmarried? A Yes sir.

Q What are their names and ages? A Vada.

Q How old is Vada? A She was born November 14th, 1881.

Q The next one? A Ollie. She was born in 1883.

Q Give the month. A March the 9th, 1883.

Q The next one? A Walton, born July 22nd, 1884.

Q The next one? A Dora, born in April, April 19, 1887.

Q The next one? A Wiley born January 1st 1889.

Q The next one? A Jake, born October 1st 1897.

Q The next one? A Ella born October 1st 1897.

Q They are twins? A Yes sir.

Q Are you the father of all seven of these children? A Yes sir.

Q Hunter Glance is the father of all of them? A Yes sir.

Q You live in the Indian Territory? A Yes sir.

Q How long have you lived here? A Been living here about twelve years.

Have you lived here continuously since that time? A Yes sir.

Q Have you been outside of the Indian Territory in the past three years? A No sir.

Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.

Q Are there any papers in the way of affidavits or other proper written evidence that you desire to file at this time for the consideration of this Commission? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 9, 1902.

X C - 3522 -

In the matter of the application of Maggie Lee Glance
for the identification of herself and her eight minor children,
Vada Glance, Ollie Glance, Walton Glance, Bora Glance, Wiley Glance,
Jake Glance, Ella Glance, and Gilbert Glance, as Missions ppit Choc-
taws.

No Attorney for Applicant.

Maggie Lee Glance, after being first duly sworn, testified
as follows:

Examination by the Commission.

- Q. What is your name? A. Maggie Lee Glance.
Q. What is your age? A. I am thirty-eight.
Q. What is your post-office? A. Ruff, Ind. Ter.
Q. How long have you lived there? A. Six years.
Q. Where did you live before you came there? A. Mellester.
Q. How long have you lived in Indian Territory? A. Fourteen
years.
Q. Where did you live before you came to Indian Territory? A.
In North Carolina.
Q. Where were you born? A. In Mississippi.
Q. Do you know where in Mississippi you were born? A. I think it
was in Brandon county.
Q. How long did you live in Mississippi? A. I don't remember.
Q. Where did you go from there? A. To Texas.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. No, sir.
Q. What is your father's name? A. James Patterson.
Q. What was your mother's name? A. Sarah Patterson.
Q. Who did not marry a gain, did she? A. No, sir.
Q. Through which parent do you claim? A. My mother.

- Q. How much Choctaw blood do you claim? A. One-fourth.
- Q. Has your mother ever been recognized in any way or enrolled as a Choctaw citizen in Indian Territory? A. No, sir.
- Q. You are married? A. Yes, sir.
- Q. What is your husband's full name? A. Hunter A. Glance.
- Q. Is he a white man or a Choctaw Indian? A. He is a white man.
- Q. You do not make any claim for him? A. No, sir.
- Q. How many children have you living? A. Eight.
- Q. Are they all under twenty-one and unmarried? A. All but one; I have one of age, and seven under age.
- Q. Give me the eldest one under age? A. Vada Glance.
- Q. These are all children by your husband, Hunter A. Glance, are they? A. Yes, sir.
- Q. How old is Vada? A. Twenty years old.
- Q. What is the name of the next one? A. Ollie Glance.
- Q. How old is Ollie? A. Seventeen years old.
- Q. What is the name of the next one? A. Walter Glance.
- Q. How old? A. Sixteen.
- Q. Next? A. Dora Glance.
- Q. How old? A. She is thirteen years old.
- Q. Next? A. Wiley Glance.
- Q. How old is he? A. Eleven.
- Q. Next? A. Jake Glance.
- Q. How old? A. Four years old.
- Q. Next? A. Ella Glance? A.
- Q. How old is she? A. Four years old.
- Q. Are they twins? A. Yes, sir.
- Q. Next? A. Gilbert Glance.
- Q. How old is he? A. One year old.
- Q. Do you make claim for yourself and these minor children? A. Yes, sir.
- Q. There are eight, then, under twenty-one years of age, instead of seven as you first stated? A. Yes, sir.
- Q. Is your name or the names of any of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
- Q. Did you ever make application for citizenship to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Dawes Commission? A. I have made application to the Dawes Commission.
- Q. When did you make application? A. In 1900, on July 12.
- Q. You made application at that time as a citizen by blood of the Choctaw Nation, and also for seven minor children, did you not? A. Yes, sir.
- Q. Your child, Gilbert, has been born since that application? A. Yes, sir.
- Q. What was done with the application you made at that time? A. I was not admitted.
- Q. Did you get any word from the Commission as to whether you were admitted or rejected? A. I got word that I was refused.
- Q. Didn't you get a letter from the Commission, addressed to you at Reff, stating that there was inclosed you a copy of the decision of the Commission regarding your application made at that time for the enrollment of yourself and children as citizens by blood of the Choctaw nation.

- Q. Didn't you receive that letter? A. Yes, sir.
- Q. Then you did get notice that you were refused admission as a citizen of the Choctaw Nation? A. Yes, sir.
- Q. Do you now come before the Commission, claiming the right to identify yourself and children as Mississippi Choctaws, claiming rights under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you want all the papers filed and the application made by you in 1900 at Muskegee, Indian Territory, to be made a part of the present application, which is here referred to as R-706? A. Yes, sir.

The application of Maggie Lee Glance, et al., made by her on the 12th day of July, 1900, before the Commission at Muskegee, Indian Territory, and numbered R-706, is here referred to.

- 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 Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year, and it was ratified on the 24th day of February, 1831. The object of the treaty was to remove all the Choctaw Indians, as far as possible, from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would not go from Mississippi, and in order to protect the interests of those who remained article fourteen was drawn up and put into the treaty.

That article reads as follows:

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

- Q. Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A. A. No, sir.
- Q. What is the name of your Choctaw ancestor through whom you claim Choctaw blood? A. Margaret Gayden.
- Q. What relation was Margaret Gayden to you? A. My grandmother.
- Q. Did she live in Mississippi or Alabama in 1830? A. She lived in Alabama.

- Q. In what county in Alabama did she live? A. I don't know.
- Q. Do you know whether she lived in the old Chectaw Nation? A. I don't know.
- Q. Did she live in Alabama in 1830 and have a family there? A. I don't know.
- Q. Can you give me the name of a Chectaw ancestor who lived in the old Chectaw nation, in Mississippi or Alabama, in 1830? A. No, I don't know myself; my father is sick or he would have come with me. He knows, I guess.
- Q. Is Margaret Gaydon as far back as you can go? A. Yes, sir.
- Q. Can you tell me her father's name? A. No, sir.
- Q. Do you claim through Margaret Gaydon? A. No, through Sarah Gaydon.
- Q. Can you go back any further than Margaret Gaydon, whose maiden name was---what was her maiden name? A. McQuarters.
- Q. Can you go back any further than Margaret McQuarters? A. No, sir.
- Q. Do you know how to spell that name? A. M-a-q-u-a-r-t-e-r-s- is the way I understand it.
- Q. She married a man by the name of Gaydon? A. Yes, John Gaydon.
- Q. Can you give any more evidence as to Margaret Gaydon, as to where she was born and where and when she died? A. No, sir.
- Q. How much Chectaw blood did she have? A. One-half.
- Q. Did you get all your Chectaw blood from that source? A. No, my father is a part Indian and of course I get some from him. But of course I get all my Chectaw blood from her, my father is not Chectaw.
- Q. Have you other Indian blood beside Chectaw? A. Yes, my father is Seminele.
- Q. But you are now claiming as a Mississippi Chectaw? A. Yes, sir.
- Q. How much Seminele blood have you? A. About one-fifth.
- Q. Do you think you have more Chectaw blood than Seminele? A. Yes/sir.
- Q. Did any of your Chectaw ancestors own any lands or claim any improvements in Mississippi or Alabama under article fourteen of the treaty of 1830? A. No, sir.
- Q. Did any of your Chectaw ancestors own or claim any improvements on lands in Mississippi or Alabama in 1830? A. No, sir.
- Q. Did any of your Chectaw ancestors go from that old Chectaw Nation east of the Mississippi River to the Chectaw nation in Indian Territory with other Indians between 1833 and 1838? A. I don't know.
- Q. Did any of your Chectaw ancestors go within six months after the ratification of the treaty of 1830 to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay, take lands and become citizens of the States? A. I don't know.
- Q. Did any of your Chectaw ancestors receive any benefits under article fourteen of the treaty of 1830? A. No, sir.
- Q. You cannot tell the name of any of your Chectaw ancestors who lived in Mississippi in 1830 and was at the head of a family there? A. No, sir. I don't remember. I just can remember leaving the state.

The Chectaw Indians who remained in the old Chectaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of any of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him they wanted to stay, take lands and become citizens of the States. A great many Chectaw 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 Choctaws in Mississippi to lose both their lands and their improvements, for both were taken from them by the Government and sold at its public land sales. This caused as many complaints among the Indians that congress in 1837, by an act of March 3 of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission by an act of August 23 of that year, for the same purpose. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

- Q. Do you know whether any of your ancestors appeared before either of these commissions and claimed under article 14 of the treaty of 1830? A. No, sir.
- Q. Have you any other evidence other than the matter contained in your application, R-796, with you and which you want to present now? A. No, sir.
- Q. Do you care for any time in which to introduce other testimony? A. NO, sir.
- Q. Have you any relatives or kin who have applied to this Commission to be identified as Mississippi Choctaws? A. Yes, two brothers.
- Q. What are their names? A. Charlie Patterson and Willie Patterson.
- Q. When did they appear before the Commission? A. I suppose it was in February.
- Q. Did they make applications as Mississippi Choctaws? A. I think they did.
- Q. You have presented here the sworn statement of J. M. Patterson; do you want this evidence introduced and made a part of the record in this case? A. Yes, sir.

The sworn statement of J. M. Patterson is received, filed and made a part of the record in this case, same being marked "Exhibit A".

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

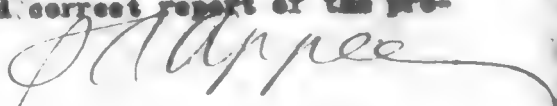
A reasonable time will be allowed in which to introduce other evidence in this case.

- Q. Charlie Patterson has made application before this Commission, has he? A. Yes, sir.
- Q. Did he make application for any one but himself? A. I think he has two children; I think so, but I have not seen them since they married.
- Q. The application of Willie G. Patterson is referred to as No. 1272---did he make application for any one else but himself? A. He has one child, I believe, and its name is Nellie, I think.
- Q. He gave the name of his child as Nellie,? A. That is it. That is the same child.
- Q. The application of Henry Patterson is here referred to as No. 1271--is he a brother of yours? A. Yes.
- Q. I made application January 12, 1901, as a Mississippi Choctaw? A. That is my brother.
- Q. Do you remember his age? A. No, sir.
- Q. Has he any children? A. I don't know the names of his children.

- Q. He has applied for his children, named Katie and Bertie? A. I don't the names of his children.
- Q. Who is James M. Patterson who has applied here for identification as a Mississippi Choctaw, No. M C R- 1276? A. He is my brother.
- Q. Do you know whether he had any children? A. I don't know.
- Q. These relatives of yours have made application to be identified as Mississippi Choctaws, do you want your case considered with them and all others claiming from the same common ancestor? A. Yes, sir.
- Q. Do you know of any other relatives claiming through the same ancestor who have made application? A. No, sir.
- Q. Your father has no Choctaw blood, has he? A. No, sir.
- Q. Your mother had the Choctaw blood? A. Yes, my mother was part Choctaw.
- Q. Is your mother dead? A. Yes, she is dead.

This applicant has the appearance and physical characteristics of being descended from a mixed ancestry, composed of white and Indian blood. She claims not only Choctaw blood from her mother's ancestry, but also claims Seminole blood, but is not positive as to the quantity of Seminole blood. Her color and the color of her eyes and hair show plainly the features and characteristics of the Indian. The Commission does not doubt that this applicant has Indian blood, in fact, the Indian blood predominates, and there is no question as to her possession of Indian blood, but as to the quantity the Commission is unable to determine at this time. Her complexion is dark and her hair is that of an Indian. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above application on May 9, 1902; and that foregoing is a true and correct report of the proceedings in same.



Subscribed and sworn to before me this 13th day of May, 1902.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, November 11, 1901.

Maggie Lee Glance,

Reff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant in which you desire to be informed if you have been enrolled as a citizen of the Choctaw Nation.

Replying to your inquiry you are informed that it appears from the records of the Commission that at Muskogee, Indian Territory on July 12, 1900, Maggie Lee Glance, 36 years of age, made personal application to this Commission for the enrollment of herself and her seven minor children as citizens by blood of the Choctaw Nation.

It appears from the testimony in this case that your claim to citizenship is by reason of the fact that two of your brothers, James Patterson and Walter Patterson, were admitted to citizenship in the Choctaw Nation by an Act of the National Council of that Nation.

It further appears from the record in this case that neither the applicant, Maggie Lee Glance, nor her children have ever been enrolled by the tribal authorities of the Choctaw Nation or duly and lawfully admitted to citizenship in that Nation by a legally constituted court or committee of the Choctaw Nation, the

12008

Commission to the Five Civilized Tribes or by the United States Court in Indian Territory as provided by the Act of Congress of June 10, 1896.

You and your children appear upon our records as applicants for enrollment as citizens of the Choctaw Nation and while no decision has been rendered relative to your rights, your attention is invited to the following provision of the Act of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Yours truly,

Acting Chairman.

4-2-706

Choctaw 217
Miss. Choctaw 5086.

Muskogee, Indian Territory, October 10, 1902.

John D. Benedict,
Superintendent of Schools,
Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 6, asking if the following children residing near Roff, in the Chickasaw Nation, are regularly enrolled as Choctaw citizens by blood: Ollie Glance, age 17; Walter Glance, age 15; Dora Glance, age 13; Wyle Glance, age 11, and Joseph Callahan.

In reply to your letter you are informed that it appears from our records that Ollie Glance, age seventeen, Walton Glance, age sixteen, Dora Glance, age thirteen, and Wyle Glance, age eleven, whose post office is Roff, Indian Territory, are applicants for identification as Mississippi Choctaws and that no decision nor opinion has yet been reached relative to their rights as such Mississippi Choctaws.

You are further advised that it appears from our records that on September 21, 1898, Joseph M. Callahan, thirteen years old, son of F. S. Callahan, a noncitizen, and America Lee Callahan, deceased, a citizen of the Choctaw Nation by blood, was listed for enroll-

J. D. M. 2

ment as a citizen by blood of the Choctaw Nation, having been identified from the 1896 census roll of the Choctaw Nation, number 318, as a Choctaw residing in the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 10, 1902.

O. J. Wade,

Alhambra, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of September 24, 1902, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You ask therein to be informed if Maggie E. Glance and her heirs have been placed on the Choctaw roll.

In reply to your letter you are advised that it appears from our records that Maggie Lee Glance, thirty eight years old, of Roff, Indian Territory, on May 9, 1902, made application to this Commission for the identification of herself and her eight minor children, Vada, Ollie, Walton, Dora, Wiley, Jake, Ella and Gilbert Glance, as Mississippi Choctaws. No decision nor opinion has yet been rendered relative to their rights as such Mississippi Choctaws. As soon as a decision is reached they will be notified of the action of the Commission and of the forwarding of the record in their case to the Secretary of the Interior for review.

Respectfully,

Commissioner in Charge.

Miss. Choctaw 5528

Muskogee, Indian Territory, October 16, 1902.

G. T. Wade,

Alhambra, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date inquiring whether Maggie E. Glance and her heirs have been placed on the Choctaw rolls.

In reply to your letter you are advised that it appears from our records that Maggie Lee Glance, of Roff, Indian Territory, appeared before the Commission at Muskogee, Indian Territory, May 9, 1902, and made application for the identification of herself and her seven minor children, Vada, Ollie, Walton, Dora, Wiley, Jake, Ella and Gilbert Glance, as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Choctaws.

Respectfully,

Miss. Choctaw 8828

Muskogee, Indian Territory, October 18, 1902.

Maggie Lee Glance,

Reff, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 15, asking if your name is on the roll of Mississippi Choctaws.

In reply to your letter you were advised that it appears from our records that on May 9, 1902, Maggie Lee Glance appeared before the Commission and made application for the identification of herself and her minor children as Mississippi Choctaws. No decision nor opinion relative to the rights of yourself and your children as Mississippi Choctaws, has been rendered, but the Commission now has your case under consideration, and it is probable that within the near future a decision will be rendered. You will then be duly notified of the action of the Commission and of the forwarding of the record in your case to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

M. C. E. 5526

Muskogee, Indian Territory, December 15, 1902.

G. S. Shulte,

Helberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you ask to be advised if Mrs. Maggie Glance is on the rolls of the Five Civilized Tribes as a bona fide citizen.

In reply, you are informed that it appears from the records of the Commission that Maggie Lee Glance, thirty-eight years of age, residence Roff Indian Territory, is an applicant for the identification of herself and eight minor children as Mississippi Chestaws. No opinion or decision has yet been reached in her case. The Commission is now considering her application, and it is probable a decision will be rendered in the near future. As soon as a decision is rendered she will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5528.

Muskogee, Indian Territory, February 7, 1903.

Maggie Lee Glance,

Reff, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James M. Patterson, et al., embracing the following applications for identification as Mississippi Choctaws:

James M. Patterson,	M.C.R. 1276,
Henry Patterson, et al.,	M.C.R. 1271,
Willie G. Patterson, et al.,	M.C.R. 1272,
Maggie Lee Glance, et al.,	M.C.R. 5528.

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 Patterson, Lou Patterson, Katie Patterson, Bertie Patterson, Willie G. Patterson, Noiar Patterson, Maggie Lee Glance, Vada Glance, Ollie Glance, Walton Glance, Dora Glance, Wiley Glance, Jake Glance, Ella Glance and Gilbert Glance, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

N. L. C. # 2.

and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by James M. Patterson for himself as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

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

Respectfully,

James Dixby.
Acting Chairman.

Registered.

M C R 5528

Muskegee, Indian Territory, March 10, 1903.

Maggie L. Glance,
Alhambra, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, 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 make certain statements regarding your Choctaw descent and state if the evidence is not sufficient you will furnish other proof.

In reply to your letter you are informed that the fifteen days from February 8, 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 23, 1903. On February 24, 1903, the record in your case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. You will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

COPY.

M.C.R. 5528.

Muskegee, Indian Territory, July 2, 1903.

Maggie Lee Glance,
Alhambra, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th 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 James M. Patterson, et al., of which decision you were advised by registered mail on the 7th day of May, 1903.

Respectfully,

(SIGNED) *James Pixby.*
Chairman.

Muskeges, Indian Territory, January 7, 1905.

J. C. Little,
Attorney at Law,
Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised the status of the application of Maggie Lee Glance for citizenship in the Choctaw Nation.

In reply you are informed that on May 15, 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 James M. Patterson, et al., of which the application of Maggie Lee Glance, et al. is a part, and of which departmental action the several applicants were duly notified on July 2, 1903.

This case is considered 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,

Chairman.

M.C.R. 1276.

COPY

Muskogee, Indian Territory, November 14, 1906.

Charles von Weise,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter of November 2, 1906, denying the motion filed by you with this office on June 25, 1905, for a rehearing in the consolidated Mississippi Choctaw case of James M. Patterson, et al.

Inasmuch as this office is not aware of the present post-office address of the applicants in this consolidated case, notice of the Department's action in this matter will be forwarded to them in your care at Ardmore, Indian Territory.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

LBA 14-3.

M.C.R. 5528.

COPY

Muskogee, Indian Territory, November 14, 1906.

Maggie Lee Glance,

Care of Charles von Weise,

Armore, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the motion filed with this office by Charles von Weise, attorney at law, Armore, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of James M. Patterson, et al.

Respectfully,

SIGNED *W. H. H. H.*
Commissioner.

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

FILED

JUL 12 1900



ACTING CHAIRMAN

Maggie Lee Glance.

of children.

~~Jada G~~

Vada Glance Nov. 14, 1881

Ollie " " Mar. 9, 1883

Walton " " July, 22, 1884

Dora " " Apr. 19, 1887

Wyler " " Jan. 1, 1889

Jaker " " Oct. 1, 1897

Bella " " Oct. 1, 1897

For Identification as a Mississippi Choctaw.

Date MAY 9 1902

Name Maggie Glance

Age 38 Blood 1/4

Post-Office, Roff, I.T.

Father: James Patterson l

Mother: Sarah " d

Claims through mother
husband Hunter A. Glance, W. L

No claim for husband

Children:

Vada Glance, 20

Ollie " 17

Watton " 16

Flora " 13

Wiley " 11

Jared " twins { 4

Ella " { 4

Gilbert " 1

Claim for self &
children

Stenographer J. A. Apple.

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

FILED

JUL 12 1900

A handwritten signature in dark ink, appearing to be "H. H. H. H. H.", written over the typed name.

ACTING CHIEF MAN

Poff 27
Maggie Lee Glance 36 yrs - 1/4 chd

James Patterson father ✓
Sarah Gaden Patterson mother dead
claims through mother

Husband
Hunter Glance 46 yrs

Jada - Nov¹⁴ 1887
Allie - Mar 9¹⁸⁸³
Walton - July 22¹⁸⁸⁴
Dora - Apr 19¹⁸⁸⁷
Wiley - June 1¹⁸⁸⁹
Jade - Oct 1¹⁸⁹⁷
Ella - Oct 1¹⁸⁹⁷

Choctaw MCR 5529

Ida Henderson

See MCR 184

MCR 5529

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 9, 1908.

M C - 5829 -

In the matter of the application of Ida Henderson for identification of herself and her four minor children, Russ, Bernice Henderson, Katie Jennette Henderson, James Crawford Henderson and Lacey Henderson, as Mississippi Choctaws.

Applicant not represented by Attorney.

Ida Henderson being first duly sworn testified as follows:

Examination by the Commission.

- Q. What is your name? A. Ida Henderson.
- Q. How old are you? A. I am thirty-two years old.
- Q. What is your post-office address? A. Elleville, Ind. Ter.
- Q. How long have you lived there? A. I have lived for six years in that part of the country. I used to live in the Chickasaw and Choctaw Nations.
- Q. How long have you lived in the Indian Territory all together? A. Fifteen or sixteen years.
- Q. Where were you born? A. In Johnson county, Texas.
- Q. And you came from the state of Texas to Indian Territory? A. Yes, sir.
- Q. Is your father living? A. Yes, sir.
- Q. Is your mother living? A. Yes, sir.
- Q. Has your father ever made application to be identified as a Mississippi Choctaw? A. No, sir.
- Q. Has your mother? A. No, sir.
- Q. What is your father's name? A. James Williams.
- Q. What is your mother's name? A. Henriette Williams.
- Q. Through which parent do you claim your Choctaw blood? A. My father.
- Q. How much Choctaw blood do you claim? A. I don't know.
- Q. Can't you tell how much Choctaw blood you claim to have? A. One-sixteenth, I suppose.
- Q. You are not very sure about it, are you? A. No, sir. I only know what Cousin Russ told me.

- Q. Who is Russ, what is his name? A. W. R. Bossum.
- Q. Is his middle name Russell? A. Yes, sir. I call him Russ.
- Q. Has been before the Commission? A. Yes, sir.
- Q. Does he claim to be one-sixteenth, too? A. I think he claims more.
- Q. Has he got more Choctaw blood than you have? A. I think so.
- Q. He told you to claim one-sixteenth, did he? A. Yes, sir.
- Q. And you did it because you think he knows? A. Yes, sir.
- Q. Has your father ever been enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. No, sir.
- Q. Have you the proof of the marriage of your father and mother with you? A? A. No, but I have mine.
- Q. Do you think you can introduce that evidence later? A. I don't know whether I can or not. I guess I can send back where he was married in Mississippi and get it.
- Q. Do you think you can get that proof before the Commission on or before the 1st day of June? A. I don't know.
- Q. Well, do the best you can.
- Q. Are you married? A. Yes, sir.
- Q. Is your husband living? A. Yes, sir.
- Q. Is he a white man or an Indian? A. He is a white man.
- Q. What is his name? A. Thomas Andersen.
- Q. Do you make any claim for him? A. No, sir.
- Q. How many children have you under twenty-one and unmarried? A. I have four.
- Q. Is that all the children you have? A. Yes, sir.
- Q. Give me the name of the oldest? A. Emma Paralee Henderson.
- Q. How old is Emma? A. Eleven years old.
- Q. The next one? A. Katie Jennette Henderson.
- Q. How old is she? A. Nine.
- Q. Next? A. James Crawford Henderson.
- Q. How old is he? A. Four years old.
- Q. What is the name of the next one? A. Leroy Henderson.
- Q. How old? A. Eight months.
- Q. Do you claim for yourself and children? A. Yes, sir.
- Q. Is Thomas Henderson the father of these children? A. Yes, sir.
- Q. Are you and your husband living together and these children with you at home? A. Yes, sir.
- Q. Were either you or your husband married before you married to each other? A. No, sir.
- Q. Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I don't know.
- Q. Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896, for yourself and children? A. Not until now.
- Q. Did you ever make an application to be enrolled as a citizen of the Choctaw Nation to the tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Is this the first application you have ever made for the enrollment of yourself and children to any authority whatever? A. Yes, sir.
- Q. Have you or your children ever been admitted as citizens of the Choctaw nation by either the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to 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.
Q. Do you know what a treaty is? A. No, sir.
Q. You understand what an agreement between two persons is. A. Yes, sir.

A treaty is a written agreement or compact entered into between two nations, instead of being a contract between two persons; and it is signed by certain persons chosen by the nation to sign for the whole nation. It is an agreement in writing, then, between two nations.

The treaty of 1830 was made between the United States Government and the Chectaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830; and it was made for the purpose of removing as far as possible all the Chectaw Indians who lived in the old Chectaw nation east of the Mississippi River to the Chectaw nation in Indian Territory; but before the treaty was signed it became known that a great many of the Chectaw Indians would not go from Mississippi, and it was for the purpose of protecting the interests of those who remained in Mississippi that article fourteen was then drawn up and put into the treaty. The treaty was then signed and on February 24, 1831, was ratified.

Article 14 reads as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 Chectaw citizen but if they ever remove are not to be entitled to any portion of the Chectaw annuity."

- Q. Do you know whether any of your Chectaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A. I don't know.
Q. You don't know whether any of your Chectaw ancestors complied with any of the provisions of that article or not? A. No, sir.
Q. What is the name of your Chectaw ancestor through whom you claim the right to be identified as a Mississippi Chectaw? A. Penny Fisher.
Q. What relation to you? A. My father's great-grandmother, I think.
Q. When did she marry? A. A man named Sessums.
Q. That was your great-great-grandmother? A. Yes, sir.
Q. How much Chectaw blood did she have? A. I forget. I have heard W. R. Sessums say, but I forget. She was full blood or a half. Husband says she was full blood. I think it was full blood.
Q. Then you claim full blood for her, do you? A. Yes, sir.

- Q. Did she speak the Choctaw language? A. Yes, sir.
- Q. Was Penny Fisher a woman or a man? A. She was a woman. I think she spoke the Choctaw language.
- Q. Why do you think so? A. Cousin Russ said so.
- Q. Well, who is Cousin Russ? A. W. R. Sessums.
- Q. What kin is W. R. Sessums to you? A. My third cousin.
- Q. Did Penny Fisher live in Mississippi or Alabama in 1830? A. I think so.
- Q. Where did she live in Mississippi? A. I cannot tell.
- Q. Did she live in Mississippi or Alabama? A. In Mississippi, I guess.
- Q. Do you know in what county? A. I don't know.
- Q. Do you know whether she lived in the old Choctaw Nation? A. I don't know.
- Q. Did she live in Mississippi in 1830, that was 72 years ago? I don't know.
- Q. Then you don't know whether any of your Choctaw ancestors were living in Mississippi in 1830 and had families there or not? A. No, sir.
- Q. How old would Penny Fisher be if living now? A. I guess she would be pretty old. My father is 64 years old.
- Q. Where does he live now? A. He is living close to Marvin p. o.
- Q. Has he been before the Commission to be identified as a Mississippi Choctaw? A. No, he would not come.
- Q. Are there any others of your family who have not been here? A. All my brothers and sisters.
- Q. Give me their names? A. Elbert Williams.
- Q. Where does he live? A. I do not know.
- Q. Is he married? A. Yes, sir.
- Q. Give me the name of another? A. Robert Williams he has not been before the Commission.
- Q. Is he married? A. Yes, sir.
- Q. Where does he live? A. At Marvin.
- Q. Next one? A. Nannie Butler, she was a Williams.
- Q. Where does she live? A. McCloud is her post office.
- Q. Next one? A. Emma Beggars.
- Q. Where does she live? A. Marvin. She is my sister.
- Q. Next one? A. Jehunie Williams is the next.
- Q. How old is he. A. He is 21.
- Q. What is his post office? A. Marvin.
- Q. Next one? A. Millie Beggess.
- Q. Where is she? A. Her post office is Marvin.
- Q. Have you any other brother or sister? A. Walter Williams is 15 or 16 years old and unmarried. He is my brother.
- Q. Where is he? A. Marvin.
- Q. Next one? A. Devie Williams. She is a girl.
- Q. How old? A. She is 11 years old.
- Q. Is there another? A. Calvin Williams.
- Q. Where is he? A. He is at home too.
- Q. What is their father's name. James Williams.
- Q. And their mother's name? A. Henrietta Williams.
- Q. Is there another sister or brother? A. Myrtle.
- Q. Is she your sister? A. Yes, sir.
- Q. Is that all? A. That's all. They are living, the younger ones, are at home.
- Q. Did any of your Choctaw ancestors own any lands or improvements in Mississippi or Alabama in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors have or claim lands in Mississippi in 1830? A. I do not know.

- Q. Did any of your ancestors claim any benefits in Mississippi in 1830 under the fourteenth article of the treaty of 1830?
A. I don't know. It seems that my grandfather did.
- Q. What was his name? A. John Williams.
- Q. How old would he be if living now? A. About seventy years old.
- Q. Was he born in Mississippi? A. I think so.
- Q. Was Penny Fisher his mother? A. No, Martha Williams, Penny Fisher was Mr. Sessum's mother.
- Q. What relation was Penny Fisher to John Williams? A. His grandmother.
- Q. What was John Williams' father's name? A. I cannot tell you.
- Q. Did he get his Choctaw blood through his mother? A. No, his father.
- Q. Was John Williams born in Mississippi in 1830? A. Yes, sir.
- Q. Do you think he was born as far back as that? A. Yes, sir.
- Q. What was his mother's name? A. Martha Sessum.
- Q. She married a Williams. And she was a Choctaw Indian who lived in Mississippi in 1830? A. Yes, sir. I guess so.
- Q. And Penny Fisher was a generation back? A. Yes, sir.
- Q. Who is Pellie Williams? A. I have been calling her Martha all the time. Her name is Pellie. I have been calling her "Martha" and I want to change it to Pellie.
- Q. Now, the statement you want to make is this you are the daughter of James Williams and James Williams is a son of John Williams, and John Williams was a son of Pellie Williams, the one you have been calling Martha, and that Pellie Williams was a daughter of Penny Fisher, who married a white man by the name of Jacob Sessum? A. Yes, sir.
- Q. Did any of your Choctaw ancestors own any lands or claim any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I cannot say.
- Q. Did any of your Choctaw ancestors ever go within six months from the ratification of the treaty of 1830 to the United States Indian Agent, Col. Ward, and tell him that they wanted to take lands and stay and become citizens of the States? A. I cannot tell you.
- Q. Did any of your Choctaw ancestors go from the old Choctaw nation east of the Mississippi River with other Indians to the Choctaw nation Indian territory between 1833 and 1838? A. I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty, to go to Col. Ward, the United States Indian Agent, and tell him they wanted to stay take lands and become citizens of the States. A great many Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's register". His neglect to do this caused a great many Choctaw Indians to lose both their lands and improvements, for both were taken from by the Government and sold. This caused so many complaints that congress, on March 3, 1837, 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, by an act of August 23 of that year.. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

- Q. Did any of your ancestors go before either of those commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A. A. I guess Perry Fisher did.
- Q. Do you know that she did? A. I don't know.
- Q. Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana, or Arkansas to take the place of lands which the government had taken from them and sold? A. I don't know.
- Q. Did any of your ancestors receive any benefits whatever as Choctaw Indians either in Mississippi or Indian Territory as you know of? A. No, sir.
- Q. Is there anything more you want to say in support of this claim? A. No, sir.
- Q. Is there any other evidence you want to introduce before the Commission in support of your claim? A. I can produce some witnesses if that writing does not do all right.
- Q. Do you want to introduce other evidence, and do you think you can produce what proof you want to by the 1st of June? A. Yes, but I don't know whether Cousin Russ will be able to come.

Time is allowed this applicant until the 1st of June next in which to produce other evidence in support of this claim, if it is desired.

- Q. Do you speak or understand the Choctaw language? A. No, sir.
- Q. What relatives have you who have been before the Commission to be identified as Mississippi Choctaws? A. W. R. Sessums has been before the Commission, and all his people.
- Q. He is a relative of yours, is he? A. Yes, sir.

The case of W. R. Sessums, M C R - 184, is here referred to for the purpose of consolidation.

- Q. Do you want your case and W. R. Sessums and all others claiming under the same ancestor to be considered together? A. Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parents; she has brown eyes, dark complexion, and has black hair. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 9, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 12th day of May, 1902.
Charles H. Sawyer Notary Public.

MEMORANDUM

Ida Henderson, et al, M.C.R. 5529

Testimony and card show post office address as Elleville, Ind. Ter.

No such post office shown in Postal Guide.

Wrote applicant in care of her father, James A. J. Williams, at
Marvin, Oklahoma, Ter. June 6, 19 02.

COPY.

Muskogee, Indian Territory June 6, 1902.

Ida Henderson,

c/o James A. J. Williams,

Marvin, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Sessums, et al., embracing the following applications for identification as Mississippi Choctaws:

John Sessums, et al.,	M.C.R.	184
Eva Goodwin, et al.,	M.C.R.	132
William Sessums, et al.,	M.C.R.	119
Wm. J. Sessums, et al.,	M.C.R.	183
Thomas R. Sessums, et al.,	M.C.R.	186
Reuben P. Sessums, et al.,	M.C.R.	472
John Washington Sessums, et al.,	M.C.R.	474
Penny A. Dry, et al.,	M.C.R.	476
James A. J. Williams, et al.,	M.C.R.	5571
Ida Henderson, et al.,	M.C.R.	5529

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:

I. H. #2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Sessums, Maggie L. Sessums, Lilly May Sessums, John O. Maderis, Thomas K. Maderis, Clarence Maderis, Mary L. Maderis, Lilly B. Maderis, Joseph Virgil Sessums, Sarah Ellis Sessums, Iva Goodwin, Tolbert Newton Goodwin, Clara May Goodwin, William Sessums, Laura Estella Sessums, Julia Evaline Sessums, Viola May Sessums, William Wesley Sessums, Clifton Sessums, Joy Sessums, Bert Sessums, Elmore Sessums, Edna Sessums, Wm. J. Sessums, Wm. L. Sessums, Eula May Sessums, Beulah V. Sessums, Thomas R. Sessums, Sarah I. Sessums, Earnest D. Sessums, Reuben P. Sessums, Burnice Sessums, Allen Sessums, Lettie Sessums, Floyd Sessums, Martin Van Sessums, John Washington Sessums, Jacob Sessums, Pearl Sessums, William Edward Sessums, John Henry Sessums, Roy Lee Sessums, Mandy Jane Pettigrew, Claudie McGuirk, Lina Pettigrew, Ellen Pettigrew, Hattie Pettigrew, Ruby Pettigrew, Penny A. Dry, Walter C. Dry, Ada M. Dry, Ollie A. Dry, Maudie M. Dry, Eddie K. Dry, James A. J. Williams, Walter Williams, Dovie Williams, Calvin Williams, Mortie Williams, Ida Henderson, Emma Paralee Henderson, Katie Jennette Henderson, James Crawford Henderson, and Leroy Henderson 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."

"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 Reuben P. Sessums for the identification of his wife Blanche Sessums, 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:

Tams Dixey

Registered.

Acting Chairman

Misc. Order 2322

Muskogee, Indian Territory, June 27, 1902.

Ida Henderson,
Hillsville, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of joint affidavit of W. N. Sessums and J. F. Sessums, and the same is herewith returned to you for the reason that on June 4, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on June 6, 1902, you were notified of this action of the Commission, and on the same date the record in the case was forwarded to the Secretary of the Interior for review. The case is still with the Secretary of the Interior and pending his action thereon, no evidence can be received in this case.

Yours truly,

Commissioner in Charge.

INDEXED.

5529

16569

OCT 1 1902

Hurst, P.C.,

Marvin, Oklahoma,
(No date.)

CHOCTAW

-----0-----
Says registered letter addressed to Ida Henderson was delivered.

W. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING
revised
M. C. B. 5529.
delivered 6/19-02

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY: THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, September 26, 1902.

Postmaster,

Marvin, Oklahoma.

Dear Sir:-

On June 9th, 1902, there was forwarded from this office, by registered mail, register No. 8613, a letter addressed to Ida Henderson, Marvin, Oklahoma, 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.

*Registered No. 8613 was delivered on
6/9-02.*

Yours Resp't

*R. C. Hunt
Postmaster*

COPY. H.C.R. 2020

Washington, Indian Territory, November 18, 1902.

Mr Henderson,

Ellisville, Oklahoma.

Dear Madam:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Seawane, et al., of which decision you were advised by registered mail on the 6th day of June, 1902.

Respectfully,

(SIGNED)

Jame Birby.

Acting Chairman.

Maskogee, Indian Territory, November 19, 1903.

Ida Henderson,

Castle, Indian Territory

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, relative to our letter of the 29th ultimo.

In reply you are informed that our letter of October 29 was in error, as it appears from our records that there are two persons by the name of Ida Henderson who are applicants to this Commission; one being Ida Henderson, about twenty-seven years of age, post office address Tushkahomma, Indian Territory, whose enrollment as a citizen by blood of the Choctaw Nation has been approved by the Secretary of the Interior; the other, Ida Henderson, thirty-two years of age, post office address, Castle, Indian Territory, an applicant for identification as a Mississippi Choctaw.

You are further advised in regard to your case that on November 8, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children, and the Commission now considers your case closed.

Respectfully,

Chairman.

MUR 2029

COPY

Waukego, Indian Territory, November 14, 1906.

Ida Henderson,

Castle, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed in this office June 22, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-hearing in the consolidated Mississippi Choctaw case of John Sessums, et al.

Respectfully,

SIGNED *Wams Bixby*,
Commissioner.

I. H. #2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Sessums, Maggie L. Sessums, Lilly May Sessums, John O. Maderis, Thomas E. Maderis, Clarence Maderis, Mary L. Maderis, Lilly B. Maderis, Joseph Virgil Sessums, Sarah Ellis Sessums, Eva Goodwin, Tolbert Newton Goodwin, Clara May Goodwin, William Sessums, Laura Estella Sessums, Julia Evaline Sessums, Viola May Sessums, William Wesley Sessums, Clifton Sessums, Joy Sessums, Bert Sessums, Elmore Sessums, Edna Sessums, Wm. J. Sessums, Wm. L. Sessums, Lula May Sessums, Beulah V. Sessums, Thomas R. Sessums, Sarah L. Sessums, Earnest D. Sessums, Reuben P. Sessums, Burnice Sessums, Allen Sessums, Lettie Sessums, Floyd Sessums, Martin Van Sessums, John Washington Sessums, Jacob Sessums, Pearl Sessums, William Edward Sessums, John Henry Sessums, Roy Lee Sessums, Mandy Jane Pettigrew, Claudie McGuirk, Lina Pettigrew, Ellen Pettigrew, Hattie Pettigrew, Ruby Pettigrew, Penny A. Dry, Walter C. Dry, Ada M. Dry, Ollie A. Dry, Maudie M. Dry, Eddie E. Dry, James A. J. Williams, Walter Williams, Dovie Williams, Calvin Williams, Mertie Williams, Ida Henderson, Emma Paralee Henderson, Katie Jennette Henderson, James Crawford Henderson, and Leroy Henderson, 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."

"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 Reuben P. Sessums for the identification of his wife Blanchie Sessums, 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,

Registered.

Acting Chairman:

For Identification as a Mississippi Choctaw.

Date MAY 9 1902

Name *Ida Henderson*Age *32* Blood *1/16*Post-Office, *Elleville, J. F. Okla*Father: *James Williams, l.*Mother: *Henrietta " l.*Claims through *father,*
Husband
*Thomas Henderson, l. w.**No claim for husband*

Children:

*Emma Paralee " 11.**Katie ~~H~~ J. " 9.**James C. " 4**Leroy " 8 m.**Claims for self &
children —*Stenographer *S. A. Apple.*

Choctaw MCR 5530

Queenie E. Rouse

See MCR 5052

MCR 5530

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 9, 1902.

X C - 5529

In the matter of the application of Cecelia E. Rouse for
identification of herself and her minor child, Maesa Rouse, as
Mississippi Choctaws.

A. E. Helas, Attorney, appeared for Applicant.

Cecelia E. Rouse, after being duly sworn testified as
follows:

Examination by the Commission.

- Q. What is your name? A. Cecelia E. Rouse.
Q. How old are you? A. I am twenty-eight years old.
Q. What is your post office address? A. Cooper, Oklahoma.
Q. How long have you lived there? A. Ten years.
Q. Where did you live before that? A. I have lived in Mississippi,
and different places.
Q. Where were you born? A. I was born in Alabama.
Q. Where in Alabama? A. In Owen county, near Rockford.
Q. Then from Alabama you went where? A. To Mississippi.
Q. How long did you live in Mississippi? I don't know, but we
went from there to Arkansas.
Q. How long did you live in Arkansas? A. Nine years.
Q. Where did you move to from Arkansas? A. To Oklahoma.
Q. Did you move from Arkansas to Cooper, Oklahoma? A. Yes, sir.
Q. How long have you been in Oklahoma? A. Ten years.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.

- Q. What is your father's name? A. Paschal Zeigler.
Q. Has he ever been before the Commission? A. No, sir.
Q. What is your mother's name? A. Louise Zeigler.
Q. Has she been before the Commission to be identified as a Mississippi Choctaw? A. No, sir.
Q. Do you know when she came? A. I don't remember the date. It was about March 31st.
Q. Do you claim through your mother? A. Yes, sir.
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 citizen of the Choctaw nation by either the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A. No, sir.
Q. Are you married? A. Yes, sir.
Q. Is your husband living? A. Yes, sir.
Q. What is his race or nationality? A. He is a negro.
Q. What is his name? A. James A. Reuce.
Q. What is your father's race or nationality? A. He is a Negro.
Q. Was he a slave? A. Not that I knew of.
Q. Was your mother a slave? A. I don't know.
Q. What other blood has she beside Choctaw blood? A. Negro.
Q. Has she no white blood? A. Not that I knew of.
Q. How old is your mother now? A. I don't know---53 or 54 years old, I suppose.
Q. Where is she living? A. In Oklahoma.
Q. Where was she born? A. I don't know. In Alabama, I guess.
Q. What state did she go to first from whatever place she was born? A. To Mississippi.
Q. How long did she live in Mississippi? A. Five years.
Q. Did she go with her parents? A. I don't know.
Q. From Mississippi where did she go? A. To Arkansas.
Q. And from there to Oklahoma? A. Yes, sir.
Q. Have you ever heard that she was a slave at any time? A. No, sir.
Q. You don't make any claim for your husband, do you? A. No, sir.
Q. How many children have you? A. One.
Q. How old? A. Four weeks old.
Q. What is the name of that child? A. He is not named yet.
Q. Well, you must give him some name? A.

Here the baby is christened by its father and mother.

- Q. What do you name him? A. Macee Reuce.
Q. The baby is a boy, is it? A. Yes, sir.
Q. Is James A. Reuce the father of this boy? A. Yes, sir.
Q. Are you and he living together as husband and wife? A. Yes, sir.
Q. Were either of you married before you married to 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 before this time to the tribal authorities or to the United States 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 made application for citizenship in the Choctaw Nation to any authority whatever previous to this present application? A. No, sir.

- Q. Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by the United States court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to 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 Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would refuse to go from Mississippi, and in order to protect the interests of those who remained article fourteen was drawn up and put into the Treaty; and it was afterwards ratified.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter 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. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Louisa Zeigler.
- Q. Does she claim through her father or mother? A. Her father.
- Q. Give me the name of an ancestor back far enough so that we may have one who lived in the old Choctaw Nation in Mississippi and had a family there? A. I don't know.
- Q. Give me the name of an ancestor who lived in Mississippi in 1830 and was the head of a family? A. My great-grandfather lived there then, I guess.
- Q. What was his name? A. Joshua Pickens. I don't know that he lived there, but I guess he did.
- Q. How much Choctaw blood did he have? A. I don't know.
- Q. You don't know whether he had a family in Mississippi in 1830 or not? A. I don't know; I suppose he did.
- Q. Are you sure that he lived in Mississippi in 1830? A. I don't know that he did.
- Q. What do you think about any of your ancestors living in Mississippi in 1830--I mean in the old Choctaw Nation---and having a family there? And who claimed under the provisions of the treaty of 1830? A. I don't know.
- Q. You claim through your mother? A. Yes, sir.

- Q. How old is she? A. I don't know her age; I suppose she is 53 or 54 years old.
- Q. That would make her born about 1848---where was she born? A. In Alabama, I think.
- Q. Through which parent does she claim Choctaw blood? A. Her father.
- Q. How old would he be if living now? A. I don't know.
- Q. Do you know whether he was born in Mississippi or Alabama? A. I don't know where he was born.
- Q. Did any of your Choctaw ancestors own any improvements on lands 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, then in Mississippi, and tell him they wanted to remain, take lands there and become citizens of the States? A. I don't know that they did.
- Q. Did any of your Choctaw ancestors own any lands or claim any lands in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I do not know.
- Q. Did any of them go from that old Choctaw Nation in Mississippi and Alabama with other Indians to Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. I don't know whether they did or not.

The Choctaw Indians who remained 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 the provisions of article fourteen of the treaty of 1830, to go within six months after the ratification of that treaty to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay, take lands 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". His neglect to do this caused a good many Choctaw Indians in Mississippi to lose both their lands and their improvements, for both were taken from them by the Government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, on 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 an act of August 23 of that year, congress appointed another commission for the same purpose. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of these who came before them.

- Q. Did any of your ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article 14 of the treaty of 1830? A. Not that I knew of.
- Q. Have you any knowledge of whether any of your Choctaw ancestors received any scrip from the Government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas in the place of those taken from them and sold? A. No, sir.
- Q. What relatives have you who have been before the Commission to be identified as Mississippi Choctaws? A. My mother, Louisa Zeigler.

The case of Louisa Zeigler, No. 8052, is here referred to for the purpose of consolidation.

- Q. Do you want to have your case consolidated and considered with your mother's? A. Yes, sir.
- Q. Have any other relatives of yours been before the Commission to be identified as Mississippi Choctaws? A. No, sir.
- Q. Do you care for any other time in which to produce other evidence in support of this application? A. Yes, sir.

This applicant will be allowed until June 1st next in which to introduce other evidence in support of this claim.

- Q. Do you speak the Choctaw language? A. No, sir.
- Q. Have you any white blood in your veins? A. Yes, sir.
- Q. About how much white blood do you claim or do you think you have? A. I don't know, about the same, one-eighth, I guess.

This applicant has the appearance and physical appearance and characteristics of being descended from a mixed ancestry, composed of African and either white or Indian blood. She claims both white and Indian. Her color is somewhat lighter than ordinarily found in the full blood African; it may be that she has some Indian blood, but the Commission is unable to determine that. She may have African, white and Indian blood, or a mixture of either white or Indian, but she claims one-eighth Choctaw.

She does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 9, 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.

S. A. Apple

Subscribed and sworn to before me this 14th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

H C R 5530

Muskogee, Indian Territory, July 26, 1902.

Queenie E. Rouse,

Cooper, Oklahoma.

Dear Madam:

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

Louisa Zeigler, et al.,	H C R	5032
Lula Lewis, et al.,	"	5568
Queenie E. Rouse, et al.,	"	5530

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:

Queenie B. Rouse-3

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa Zeigler, Cleo Zeigler, Sweet Zeigler, Lula Lewis, Mary Myrtle Lewis, Edgar Flynn Lewis, Constance Leolian Lewis, Essie Lewis, Homr Ray Lewis, Queenie B. Rouse and Haces Rouse as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge

Registered.

M.C.R. 5530.

COPY,

Muskegee, Indian Territory, September 5, 1902.

Quanita A. Rouse,

Cooper, Oklahoma.

Dear Madam:

You are hereby advised that on the 25th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisa Zeigler, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

DESIGNED

Tamc Dixey.

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date MAY. 9 1902

Name ^{E. P.} Queenie Rouse.

Age 28 - Blood - 1/8

Post-Office, Cooper, Okla. -

Father: Paschal Zeigler, l.

Mother: Louisa " l.

Claims through ~~husband~~ mother
James A Rouse, l. reg.
No claim for husband

Children:
Maces Rouse, 4 weeks

Claims for self
& child -

Choctaw MCR 5531

Mollie C. Akers

See MCR 6214

MCR 5531

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, E. T., May 10, 1902.

M C - 5831

In the matter of the application of Nellie C. Akers for the identification of herself and her three minor children, Ora Akers, Essie Akers and Dennis Akers, as Mississippi Choctaws.

L. P. Hudson appeared as Attorney for Applicant.

Nellie C. Akers, after being duly sworn, testified as follows:

Examination by the Commission:

- Q. What's your name? A. Nellie C. Akers.
Q. What is your age? A. I am thirty-three years old.
Q. Your post-office? A. Ada, Indian Territory.
Q. How long have you lived there? A. Over two years.
Q. How long have you lived in Indian Territory? A. About seventeen years.
Q. In what nation? A. Chickasaw Nation.
Q. Where did you live before that? A. In Texas.
Q. Were you born in Texas? A. No, I was born in Tennessee.
Q. And you went from Tennessee to Texas? A. Yes, sir.
Q. How long did you live in Tennessee? A. I was just eight years old when we moved to Texas.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Willis Anderson Bailey.
Q. What is your mother's name? A. Sarah R. Bailey.
Q. Through which parent do you claim Choctaw blood? A. My father.
Q. How much Choctaw blood do you claim? A. I don't know.
Q. Has your father ever been recognized in any way or enrolled as

- a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A. I don't know.
- Q. Have you the proof of the marriage of your father and mother with you? A. No sir.
- Q. Do you know when and where they were married? A. No, sir.
- Q. Can you supply that proof later if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Are you married? A. Yes, sir.
- Q. Is your husband living? A. Yes, sir.
- Q. Is he a Choctaw Indian or a white man? A. He is a white man.
- Q. What is his name? A. Albert Akers.
- Q. Do you make any claim for him? A. No, sir.
- Q. Have you any children you want to make application for? A. I have three.
- Q. Give me the name of the oldest? A. Ora Akers.
- Q. How old is she? A. Ora is fourteen years old.
- Q. Give the name of the next one? A. Essie Akers.
- Q. How old? A. Nine years old.
- Q. Next? A. Dennis Akers.
- Q. How old is he? A. Nine years old.
- Q. Is that all? A. That's all.
- Q. Is Albert Akers the father of these children? A. Yes, sir.
- Q. Are you and your husband living together? A. Yes, sir.
- Q. And are these children with you at your home? A. Yes, sir.
- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A. I don't know.
- Q. Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application for citizenship for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. I have not.
- Q. This is the first application you have ever made to the Dawes Commission or to the tribal authorities for citizenship in the Choctaw Nation? A. Yes, sir.
- Q. Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities or the United States authorities or the United States Court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I don't reckon I do.
- Q. Did you ever read the treaty of 1830 or article fourteen of it? A. No, sir.

The treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, was made on the 27th day of September, 1830, at a place in Mississippi called Dancing Rabbit Creek, between the United States Government and the Choctaw Tribe of Indians. The object of the treaty was to remove as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory. But before the treaty was signed it became known that a great many Choctaw Indians would not go, and in order to protect the interests of those who remained the article fourteen was drawn up and put into the treaty.

Article fourteen reads as follows :

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

- Q. Do you think you understand that article now? A. I think I do.
- Q. Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A. I don't know.
- Q. Give me the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. I don't know; I never knew much about my father's and mother's people. I don't remember my grandparents.
- Q. You claim through Willis A. Bailey? A. Yes, sir.
- Q. Do you know the name of his father or mother? A. No, sir; his mother was named Hammeck, Hammitt or something like that. I can't spell it.
- Q. You cannot give me the name of either his father or mother? A. No, sir, I don't know. I will not try to give any names.
- Q. Then you cannot go any further back than your father? A. No.
- Q. How old is your father? A. Between 68 and 70.
- Q. Where was he born? A. In Giles county, Tennessee.
- Q. Not born in Mississippi or Alabama? A. No, sir.
- Q. Do you know where his father and mother were born? A. No, sir.
- Q. Have you given all the information you can about your ancestors? A. I have.
- Q. Did any of your ancestors own any lands and improvements in Mississippi in 1830? A. I don't know.
- Q. Did any of them own or claim any lands in Mississippi in the old Choctaw Nation under article fourteen of the treaty of 1830? A. I don't know.
- Q. Did any of your ancestors after the treaty of 1830 was ratified go to Col. Ward, the United States Indian Agent, and tell him they wanted to stay, take lands 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 in Indian Territory with other Indians between 1833 and 1838 and 1840? A. I don't know.

The Choctaw Indians who stayed in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go within six months after the treaty was ratified, to the United States Indian Agent, Col. Ward, and tell him that they desired to stay, take lands 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". His neglect to do this caused a good many Indians in Mississippi to lose both their lands and improvements for both were taken from them by the Government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 congress appointed a commission, on March 3 of that year, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed, by an act of August 23 of that year, and both commissions heard claimants under article 14 of the treaty of 1830 and made lists of such names as came before them.

- Q. Did any of your ancestors appear before either of these commissions and claim benefits under article fourteen of the treaty of 1830? A. I don't know.
- Q. The act of Congress of August 23, 1842, provided that if any Choctaw Indians had had lands in Mississippi and had gone to Col. Ward and he had failed to take their names, and afterwards their lands were taken and sold, that they should have a certificate which would entitle them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas, to take the place of those taken from them by the government and sold. These certificates were called scrip. Did any of your ancestors receive any such a scrip? A. I don't know.
- Q. Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A. Not that I know of.
- Q. You are the first of your family or kin to make an application before this Commission? A. Yes, the first I knew of.
- Q. Have you any further evidence you want to introduce? A. No.

Hereof L. P. Hudson, Attorney for Applicant, asks that leave be granted to file written evidence in support of this claim.

The motion is allowed by the Commission.

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

This applicant has the appearance and physical characteristics of being descended from an ancestry in which the white characteristic predominates; she has black eyes, an olive brown complexion, and black hair which indicates a certain amount of Indian blood, and which the applicant claims to be Cheetaw.

She does not understand or speak the Cheetaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1866.

Applicant does not know the quantity of Cheetaw blood in her veins.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 10, 1902, and that the foregoing is a true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 14th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M C R 8551

Muskogee, Indian Territory, April 10, 1903.

Mollie C. Akers,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey,	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie S. Akers, et al.,	" 5531
Rhodie Lewis, et al.,	" 5218
Cordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provision of the act of Congress of June 29, 1898 (30 Stat., 495) which is as follows:

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

Said decision concludes as follows:

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

Mollie C. Akers &

lis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Hssie Akers, Dennis Akers, Eunnie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr.), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tamm Bixby.

Chairman.

M.O.R. 6631.

COPY

Muskogee, Indian Territory, July 27, 1903.

Ada, Indian Territory.

Dear Madam:-

You are hereby notified that on the 1st 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 Willis A. Bailey et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Mollie C. Akers

Age 33

Blood

Dont know.

Post-Office,

Ada. J. T. Bailey

Father: Willis Anderson, l.

Mother: Sarah R. Bailey, l.

Claims through father.

~~Husband~~ Albert Akers, l. w.No claim for
husband

Children:

Ora Akers, 14

Eddie " 13

Loennis " 9

Claims for self
and 3 children

Steno. rapher

A. Apple.

Choctaw MCR 5532

Josephine Russell

MCR 5532

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

In the matter of the application of Josephine Rus-
sell, et al., for identification as Mis-
sissippi Choctaws. M.C.N. 5322.

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 Josephine Russell, et al., to the Commission to the Five Civilized Tribes for identi- fication as Mississippi Choctaws.	1
Final decision of the Commission refusing the application of Josephine Russell, et al., for identifica- tion as Mississippi Choctaws.	2

.....

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

M C - 6622

In the matter of the application of Josephine Russell for identification of herself and her minor child, Oda Russell, as a Mississippi Choctaw.

L. P. Hudson, Attorney, represents Applicant.

----- | -----

Josephine Russell, being first duly sworn testified as follows:

Examination by the Commission.

- Q. What is your name? A. Josephine Russell.
Q. How old are you? A. I am fifty-three years old.
Q. What is your post office address? A. Ada, Ind. Ter.
Q. How long have you lived in Indian Territory? A. Four years.
Q. Where did you live before you lived in Indian Territory? A. In Arkansas.
Q. Were you born in Arkansas? A. No, in Tennessee.
Q. Where did you go from Tennessee? A. I went from Tennessee to Kentucky when I was a girl. I went there when I was eight six years old and lived there until I was grown, about 15 years.
Q. Is your father living? A. No, sir.
Q. Is your mother living? Yes, sir.
Q. Through which parent do you claim Choctaw blood? A. My mother.
Q. What is your mother's name? A. Louise Coleman.
Q. What was your father's name? A. James Coleman.
Q. How much Choctaw blood do you claim? A. One-eighth.
Q. You claim through your mother? A. Yes, sir.
Q. Has your mother ever been recognized in any way or enrolled as a citizen of the Choctaw nation in Indian Territory? A. No, sir.

- Q. Are you married? A. Yes, sir.
- Q. Is your husband living? A. Yes, sir.
- Q. Is he a Choctaw Indian? A. No, he is a white man.
- Q. What is his name? A. Thomas Russell.
- Q. Give his full name? A. Albert Thomas Russell. He signs his name "A. T."
- Q. You don't make any claim for him? A. No, sir.
- Q. Have you any children unmarried and under twenty-one years old you want to make application for? A. I have one.
- Q. What is its name? A. Oda Russell.
- Q. Boy or girl? A. She is a girl.
- Q. How old is she? A. Fourteen.
- Q. Is that all you have? A. That is all under age.
- Q. You claim for yourself and this child? A. Yes, sir.
- Q. How many children have you ever age? A. I have three, four children in all.
- Q. Give me the names of your children over age? A. Elena Lowe.
- Q. Is she married? A. Yes, sir. That is her married name.
- Q. Where does she live? A. In the Chickasaw nation at Ada.
- Q. Give me the next? A. Delora Russell. He is my son, and he lives in Arkansas.
- Q. What is his post office? A. Higdon, Cleburne county.
- Q. What's the next one's name? A. Charlie Russell. He is with me at home.
- Q. Is Albert T. Russell the father of these children? A. Yes, sir.
- Q. Are you and he living together as husband and wife? A. Yes, sir.
- Q. And your child Oda is also living with you at home? A. Yes, sir.
- Q. Is your name or the name of your child Oda on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. Not that I know of.
- Q. You never did make application for yourself and children, did you? A. No, sir.
- Q. Did you ever make application to the Commission to the Five Civilized Tribes for citizenship for yourself and children under the act of Congress of June 10, 1896? A. No I have never made any application to any authority before this time.
- 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. You nor your child have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or by the United States authorities in Indian Territory, have you? A. No, sir. I have never been admitted by any authority whatever.
- Q. Do you understand article fourteen of the treaty of 1830? A. I do not.

The treaty of 1830 was made between the United States Government and the Choctaw Tribe of Indians in Mississippi at a place called Dancing Rabbit Creek, on the 27th day of September, 1830, and was made for the special purpose of removing as far as possible all the Choctaw Indians from the old Choctaw nation east of the Mississippi River to the Choctaw Nation in Indian Territory. But before the treaty was signed it became known that a great many Choctaw Indians would refuse to go, and in order to protect the interests of those who remained article fourteen was drawn up and put into the treaty. The treaty was afterwards signed and ratified.

Article fourteen reads as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 Chectaw citizen, but if they ever remove are not to be entitled to any portion of the Chectaw annuity. "

- Q. Did any of our ancestors copy or attempt to comply with the provisions of that article? A. I do not know.
- Q. Through whom do you claim the right to be identified as a Mississippi Chectaw? A. My mother.
- Q. Go way back and give me the name of an older ancestor? A. Harrington was one of them.
- Q. Give the first name? A. Julie Harrington; she was my grandmother.
- Q. Did she live in Mississippi in 1830? A. I can't tell you.
- Q. Can you give me the name of one of your ancestors who did live in Mississippi in 1830? A. No, sir.
- Q. Do you know whether any of your ancestors were living in Mississippi and were the heads of families there in 1830? A. I don't know; I cannot go any farther back than my grandmother.
- Q. Where was Julie Harrington born? A. In Tennessee, I guess.
- Q. Did she ever go to Alabama or Mississippi to live? A. I cannot say.
- Q. Did any of your ancestors own or claim any lands under article fourteen of the treaty of 1830? A. No, sir.
- Q. Did any of your ancestors own any improvements on lands in Mississippi in 1830? A. I don't know.
- Q. Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, and tell him they wanted to remain in Mississippi, take lands and become citizens of the States? A. I don't know.
- Q. Did any of your Chectaw ancestors go from the old Chectaw Nation east of the Mississippi River to the Chectaw nation in Indian Territory with other Indians between 1833 and 1838? A. I don't know.

The Choctaw Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to Col. Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and tell him they wanted to stay, take lands 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 this caused a good many Indians in Mississippi to lose both their land and improvements, for both were taken from by the Government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 congress appointed a commission, by an act of March 3 of that year, 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 an act of congress of August 23, 1842. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q. Do you know whether any of your ancestors went before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830? A. No.
- Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana, or Arkansas in place of those taken from them and sold? A. I don't know.
- Q. This scrip was issued under the act of Congress of August 23, 1842.
- Q. Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A. Not that I knew of.
- Q. Do you want any time in which to introduce other evidence in support of your application?

Hereof J. P. Hudson, Attorney representing Applicant, asks leave to file written evidence in this case in the near future.

Motion granted by the Commission.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes, gray hair which was formerly black, and has a medium fair complexion, a little dark. She does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830..

S. A. Apple, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on May 10, 1902; and that the above is a true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 14th day of May, 1902.

Charles H. Sawyer

Notary Public.

C. V. W.

COPY.

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

In the matter of the application of Josephine Russell,
et al., for identification as Mississippi Choctaws, H.C.R. 5522.

- - - 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 Josephine Russell for herself and her minor child, Oda Russell,
under the following provision of the act of Congress approved June
20, 1906 (34 Stat., 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 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 both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of Louisa Coleman, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated. The principal applicant also states that the name of her grand-mother was Julie Harrington, but it cannot be determined from her testimony that her said grand-mother was possessed of Choctaw blood; however, in order that every possible right which the applicants may be possessed of as Mississippi Choctaws, may be fully adjudicated, the said Julie Harrington will be considered as having been possessed of Choctaw blood.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or to persons who heretofore were claimants thereunder, that the said Julie Harrington or Louisa Coleman 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. 815).

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

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED) James D. [unclear]
Acting Chairman

(SIGNED) F. E. [unclear]
Commissioner

(SIGNED) C. F. [unclear]
Commissioner

Muskogee, Indian Territory

DEC 17 1902

COPY.

Muskogee, Indian Territory, December 17, 1902.

Josephine Russell,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Josephine Russell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 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 Josephine Russell and Oda Russell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Bixby

Acting Chairman

Registered.

Muskogee, Indian Territory, December 17, 1902.

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

Gentlemen:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Josephine Russell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) .

Said decision concludes as follows:

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

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

Respectfully,

(SIGNED)

Tamm Bivins
Acting Chairman.

COPY

Muskogee, Indian Territory, January 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Josephine Russell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 17, 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,

James H. ...

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.B. 5829

(COPY)

Land,

859—1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 17, 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 Josephine Russell, for herself and her minor child, Oda Russell, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Julie Harrington, who it is not claimed, but taken for granted, was a Choctaw Indian, and is alleged to have been a resident of the Choctaw Nation, in Mississippi, in 1830, through Louise Coleman, who is alleged to have been possessed of some Choctaw blood degree thereof not given.

The Commission rejected the applicants December 17, 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 Choctaw treaty of 1830, and for the additional reason that the applicants themselves had

had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made, with reference to Julie Harrington, grandmother of the principal

it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that they applied to the Commission appointed under the Acts of March 3, 1857 and August 23, 1842, for an adjudication of their rights as Choctaw Indians, if they had such rights.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties hereto, be approved.

Very respectfully,

A. G. Tonner,

Acting Commissioner.

C.T.C.(E.)

(COPY)

D.C. 7502

I.T.D. 1956-1903.

DEPARTMENT OF THE INTERIOR,

THE

L.R.S.

WASHINGTON.

March 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 2, 1903, you transmitted the record in the case involving the application for identification of Josephine Russell (M C R 5532), for herself and her minor child, Oda Russell, as Mississippi Choctaws, including your decision of December 17, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, the reason of being descendants of Julie Harrington, who is alleged to have been a resident of Mississippi in 1830, through Louisa Coleman, whose degree of Choctaw blood is not stated. The said Julie Harrington was ^{been} considered as having possessed of Choctaw blood.

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 concurs in said recommendation, and your decision is accordingly affirmed.

2 inclosure.

Respectfully,

Thos. Ryan, Acting Secretary

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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 Josephine Russell, et al., of which decision you were advised by mail on the 17th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

OPY.

Muskogee, Indian Territory, March 26, 1903.

Josephine Russell,

Ada, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Josephine Russell, et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

No. 21212
For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Josephine Russell

Age 53 Blood 1/8

Post-Office, Ada, T.P.

Father: James Coleman d

Mother: Louisa " l

Claims through mother
No husband.
Thomas Russell, l.w.
about T. Russell, l.w.
No claim for husband.

Children:

Oda " (F) 14

Claims for ref
& ched -

Stenographer J. A. Apple.

Choctaw MCR 5533

Mary E. Thomas

MCR 5533

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mary E. Thomas, et al.
for identification as Mississippi Choctaws, M.C.B. 6553.

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

	(Page)
Original application of Mary E. Thomas, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1

Decision of the Commission refusing the applica- tion of Mary E. Thomas, et al., for identifica- tion as Mississippi Choctaws-----	2
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-----o-----

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

M. C. - 5535 -

-----;

In the matter of the application of Mary E. Thomas for identification of herself and her seven minor children, Dexter Thomas, Archie Thomas, Harvey Thomas, Cera Thomas, Olar Thomas, Homer Thomas and Hazel Thomas, as Mississippi Choctaws; and for the identification of her orphan brother, Jehanis Book, as a Mississippi Choctaw.

L. P. Hudson, Attorney, appeared for Applicant.

Mary E. Thomas, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Mary E. Thomas.
Q. How old are you? A. I am thirty-five years old.
Q. What is your post office address? A. Sacred Heart, Oklahoma.
Q. How long have you lived in Oklahoma? A. Eleven years.
Q. Where did you live before you went there? A. In the Creek Nation.
Q. Where did you live before you lived there? A. I lived in the Choctaw Nation two years.
Q. Where did you live before you lived in the Choctaw nation? A. In Arkansas.
Q. Where were you born? A. I was born 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. John Book.
Q. What was your mother's name? A. Mattie Carter was her maiden name.
Q. Her name was Mattie Book when she married? A. Yes, sir.
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 citizen of the Choctaw nation either by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. I don't know.
- Q. Has he ever lived in Indian Territory? A. Yes, sir.
- Q. Did you ever hear him say whether he was ever enrolled or made a member of the Choctaw Tribe of Indians in Indian Territory? A. No, sir.
- Q. Have you the proof of the marriage of your father and mother? A. Not with me.
- Q. Can you introduce it later if given time? A. I don't know.
- Q. Where were they married? A. At Ft. Smith.
- Q. At what time were they married? A. About the year 1866.
- Q. Can you procure that proof? A. I reckon so.

A reasonable time will be allowed for that purpose.

- Q. Is your husband living? A. Yes, sir.
- Q. Is he a white man? A. Yes, sir.
- Q. What is his name? A. James Thomas.
- Q. Do you make any claim for him? A. No.
- Q. Have you any children you want to make application for? A. I have seven.
- Q. Have you seven under age and unmarried? A. Yes, sir; also my orphan brother that I raised.
- Q. How old is your brother? A. He is seventeen.
- Q. What is the name of your oldest child? A. Dexter Thomas.
- Q. How old is he? A. Fourteen.
- Q. What is the name of the next? A. Archie Thomas.
- Q. How old is he? A. He is thirteen.
- Q. Give me the name of the next one? A. Harvey Thomas.
- Q. How old is he? A. Twelve.
- Q. Next one? A. Gera Thomas?
- Q. How old? A. Ten.
- Q. The next? A. Olar Thomas.
- Q. How old? A. Nine.
- Q. Next? A. Homer Thomas.
- Q. How old? A. Eight.
- Q. The next? A. Hazel Thomas.
- Q. How old? A. Five months.
- Q. Is James Thomas the father of these children? A. Yes, sir.
- Q. Were either you or your husband ever married before you married to each other? A. No, sir.
- Q. Are you and your husband living together and these children with you? A. Yes, sir.
- Q. Give me the name of your minor brother for whom you make application? A. Johnnie Buck.
- Q. How old is he? A. Seventeen years old.
- Q. Is he your own brother? A. Yes, sir.
- Q. Are both his father and mother dead? A. Yes, they are dead.
- Q. He claims through the same ancestor as yourself? A. Yes, sir. His mother died at his birth and I have had him ever since.
- Q. Do you support him and protect him the same as one of your own children? A. Yes, sir.
- Q. Whatever claim you have he has also? A. Yes, we claim through the same father, and we had the same mother.

- Q. Has your brother Johnnie no one any nearer to him to make this application than you are? A. He has some other sisters, but they are not as near as I am, for I raised him and they did not. I took him when he was a little baby.
- Q. Is your name or the names of any of these minor children for whom you make application on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I don't know.
- Q. Have you ever made application for citizenship in the Choctaw Nation for yourself or any of these minor children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. No, sir.
- Q. Have you ever made application for yourself or any of these children for citizenship to the tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Is this the first application you have ever made for citizenship for yourself and these children in the Choctaw Nation, and have either you or any of these minor children been admitted to citizenship in the Choctaw Nation by the tribal authorities by the United States authorities or the United States Court in Indian Territory? A. No, sir. Never been admitted.
- 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. Do you understand that article of that treaty? Would you like to have it explained? A. Yes, sir.

The treaty of 1830 was made between the United States Government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all the Choctaw Indians in the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would not go from the old Nation, and in order to protect the interests of those who remained article fourteen was drawn up and put into the treaty. It was signed, and on the 18th of February, 1831, it was ratified.

Article fourteen reads as follows:

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

- Q. Do you know whether any of your ancestors ever complied or attempted to comply with any of the provisions of that article of that treaty? A. No, sir.
- Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. My father's mother was named Thompson.
- Q. What was her first name? A. Louisiana Thompson.
- Q. Was she your grandmother? A. Yes, sir.
- Q. Did she live in Mississippi in 1830? A. Yes, sir. She was born and raised in Mississippi.
- Q. Was she married and the head of a family in Mississippi in 1830? A. Yes, sir.
- Q. Was she the head of a family there at that time? A. Yes, sir.
- Q. How much Choctaw blood did she have? A. Louisiana Thompson was one-half.
- Q. Did she speak the Choctaw language? A. She could talk it some. I have heard her talk it.
- Q. How old would she be if living now? A. Between 85 and 90, I don't know just how old she would be.
- Q. How long has she been dead? A. About twenty years.
- Q. How old was she when she died? A. I don't know.
- Q. She was pretty old, wasn't she? A. Yes, sir. She was old and helpless.
- Q. Was she helpless from sickness or old age? A. Old age.
- Q. Do you think she was over seventy years old when she died? A. Yes, I know she was.
- Q. Did any of your Choctaw ancestors own any lands or claim any benefits under article fourteen of the treaty of 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838 and 1840? A. I don't know.
- Q. Did any of your Choctaw ancestors own any lands or improvements in Mississippi or Alabama in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to remain, take lands and become citizens of the States? A. I don't know.

The Choctaw Indians who stayed back in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of any of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and tell him they wanted to stay, take lands 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." His neglect to do this caused a great many Choctaws in Mississippi to lose both their land and improvements, for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 congress appointed a commission, by an act of March 3 of that year, 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. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names who came before them.

- Q. Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article fourteen of the treaty of 1830? A. I don't know.
- Q. Did any of your ancestors receive any scrip from the government which entitled them to take lands from the vacant government lands in Mississippi, Alabama, Louisiana, or Arkansas in place of that taken from by the government and sold? A. I don't know.
- Q. This scrip was issued under the act of congress of ~~1830~~, 1832, to take place of those lands which they had had in the old Nation and had been sold from them. A. I never heard of it.
- Q. Have you any relatives who have appeared before the Commissions to be identified as Mississippi Choctaws? A. Not that I know of. I guess I am the only one thus far who has appeared.
- Q. Have you any brothers or sisters? A. I have three sisters and a brother. I am making application for my brother.
- Q. Give me the names of your sisters. A. Annie McCasley is one; she is at Krebs, Ind. Ter.
- Q. Next? A. Nola Spangler; she lives at Krebs, Ind Ter. also.
- Q. Next one? A. Nera Wasson, of Topeka, Kansas.
- Q. Have they made application? A. Not that I know of.
- Q. Do you speak or understand the Choctaw language? A. No, sir.
- Q. Do you want to introduce any other evidence in your case?

Hereof L. P. Hudson, attorney for applicant, asks leave to file written evidence, which will be done in the near future.

Motion granted by the Commission.

This applicant has the appearance and physical characteristics of being descended from white parents; she has a dark complexion, blue-grey eyes, and brown hair. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on May 10, 1902; and that the foregoing transcript is a true and correct translation of his notes in same.

Subscribed and sworn to before me this 14th day of May, 1902.

Charles H. Sawyer
Notary Public.

COPY

902
C.W.

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

In the matter of the application of Mary E. Thomas, et al., for identification as Mississippi Choctaws M.C.R. 5533.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary E. Thomas for herself and her seven minor children, Dexter, Archie, Harvey, Cera, Clar, Homer and Hazel Thomas; and for her orphan brother Jehmie Buck, under the following provision of the act of Congress approved June 26, 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 Louisiana Thompson, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 Louisiana Thompson or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Thomas, Dexter Thomas, Archie Thomas, Harvey Thomas, Gora Thomas, Olar Thomas, Hener Thomas, Hazel Thomas and Johnnie Buck as Choctaw Indians entitled to rights in the Choctaw lands under

the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Dixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

Rice, Chas, 5500

Muskogee, Indian Territory, July 15, 1908.

Etter Thomas,

Violet, Oklahoma, Ter.,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state you appeared before the Commission on the 10th of May to state your right under the Mississippi Choctaw treaty; that you employed L. P. Hudson to attend to your case and that you have heard nothing from the Commission; that you had heard that L. P. Hudson was debarred.

In reply to your letter you are informed that Mr. L. P. Hudson has been suspended from practice before this Commission, pending disbarment proceedings instituted against him and that the Commission cannot advise you with reference to any dealings you may have had with him.

You are also informed that the records of the Commission do not show that any person by the name of Etter Thomas appeared before the Commission on the 10th of May and applied for identification as a Mississippi Choctaw. The reports of the Commission do show, however, that on May 10, 1908, Mary E. Thomas appeared before the Commission and applied for the identification of herself and her minor children, Homer, Archie, Harvey, Vera, Clara, Nancy and Frank

Enter Thomas--2

Thomas, and her nephew, Johnnie Bush, as Mississippi Choctaws, giving her postoffice address as Sacred Heart, Oklahoma, and her age as thirty five years, the names of her father and mother as John and Mattie Bush.

If you are the identical Mary E. Thomas whose name appears as the principal applicant in this case, you are informed that no decision has yet been rendered with reference to the right to identification as Mississippi Choctaws of these persons. As soon as a decision is rendered in this case, the applicants will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

M. C. R. 5533

Muskogee, Indian Territory, January 3, 1903.

Mary E. Thomas,
Violet, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultime, in which you state that you appeared before the Commission on May 10, 1902, and made application for identification as a Mississippi Choctaw, and ask to be advised of the present status of your case.

In reply you are advised that up to the present time no opinion or decision has been reached in your case. 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 of the Interior.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5533.

Muskogee, Indian Territory, February 4, 1903.

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

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary E. 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., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Thomas, Dexter Thomas, Archie Thomas, Harvey Thomas, Cora Thomas, Olar Thomas, Homer Thomas, Hazel Thomas and Johnnie Buck as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

COPY,

Muskogee, Indian Territory, February 4, 1903.

Mary E. Thomas,
 Sacred Heart, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary E. 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., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Thomas, Dexter Thomas, Archie Thomas, Harvey Thomas, Cera Thomas, Glar Thomas, Homer Thomas, Hazel Thomas and Johnnie Buck as Choctaw Indians entitled 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

H.E.T. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 26, 1903.

The Honorable

The Secretary of the Interior.

There is transmitted herewith the record in the case of Mary E. Thomas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 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,

Jams Dixby,
Acting Chairman,

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5555

Muskogee, Indian Territory, February 26, 1903.

Mary E. Thomas,
Violet, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself, your minor children and your minor brother Johnnie Buck as Mississippi Choctaws. You enclose the general affidavit of Andrew J. Liston, and ask that you be allowed further time within which to submit additional evidence in support of your claim.

In reply to your letter you are informed that the fifteen days from February 4, 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 19, 1903. On February 20, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in this case and your affidavit is therefore herewith returned.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their

N E T 2

claims to be forwarded to the Secretary of the Interior, are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

M&M-1

M. C. R. 5533.

COPY:

Muskogee, Indian Territory, July 18, 1903.

Mansfield McFerry & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 25th 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 Mary E. Thomas et al., of which you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M. C. R. 2533

COPY:

Muskogee, Indian Territory, July 15, 1903.

Mary E. Thomas,
Violet, Oklahoma.

Dear Madam:-

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippian Indians of the several persons included in the case of Mary E. Thomas et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

(C O P Y)

Land.
12780-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 7, 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 for identification as Mississippi Choctaws of Mary E. Thompson, for herself and her seven minor children, Dexter, Archie, Harvey, Cora, Olar, Homer and Hazel Thomas; wherein a decision adverse to them was rendered by the Commission February 4, 1903

The testimony in this case shows that the applicants base their claim to identification on their descent from Louisiana Buck (nee Thompson), who it is alleged was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the treaty of 1830, through John Buck, her son, father of the principal applicant.

The Commission give as their reason for rejecting the applicants, that the ancestor's name, given by them as the party through whom they claim, does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty, on their records; and in addition that they have never been enrolled as citizens of the Choctaw Nation

(C O P Y)

-2-

An examination of the records of this office has been made with reference to the name of Louisiana Buck (nee Thompson) 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 treaty of 1830; neither does it appear that she applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

These being the facts of the case, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct and is therefore, respectfully recommended for approval.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

C.T.C.

(COPY)

D.C.16026

RAY,

ITD.4516-1903.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON .

May 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary E. Thomas and her minor children, Dexter, Archie, Harvey, Cera, Olar, Homer and Hazel Thomas, and her orphan brother, Johnnie Buck. By decision dated February 4, 1903, you refused 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 Louisiana Thompson, who was the mother of John Buck, who was the father of the principal applicant herein, it being alleged that they were Choctaw Indians and that Louisiana Thompson resided in Mississippi in 1830.

The evidence submitted and the records of the Indian Office fail to show that Louisiana Thompson or John Buck complied or attempted to comply with said article 14 of the treaty of 1830, nor with the subsequent acts of Congress relating thereto.

Reporting May 7, 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.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902
 Name Mary E. Thomas.
 Age 35 Blood 118
 Post-Office, Sacred Heart, Okla.
 Father: John Buck, d
 Mother: Mattie " d
 Claims through father,
~~Herbert~~ James S. Thomas, l. 20.
 No claim for husband.

Children: Vesper Thomas 14
 Archie " 13
 Harvey " 12
 Cora " 10
 Olar " 9
 Homer " 8
 Hazel " (F), 5 m.
 Johnnie Buck, 17-

claim for 7 of her
 own children and also
 her minor brother.

Stenographer S. A. Apple.

Choctaw MCR 5534

Letitia Brock

See MCR 5535

MCR 5534

Sub

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Letitia Brock, et al., M.C.N. 5534
Benjamin Franklin Brock, M.C.N. 5555

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

	(Page)
Original application of Letitia Brock, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of Benjamin Franklin Brock, before the Dawes Commission for identification as a Mississippi Choctaw.....	6
Copy of letter of the Commission addressed to Letitia Brock giving her time to file an affidavit regarding the name of ancestor.....	10 A
Decision of the Commission refusing the applications in the consolidated case of Letitia Brock, et al., applicants for identification as Mississippi Choctaws..	11

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

M C - 5534 -

In the matter of the application of Letitia Brock for identification of herself and her two minor children, George Alfred Brock and Ollie Smith Brock, as Mississippi Choctaw.

L. P. Hudson, Attorney, appeared for Applicant.

Letitia Brock, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Letitia Brock.
Q. How old are you? A. I am sixty-two years old.
Q. What is your post-office address? A. Vista, Oklahoma.
Q. How long have you lived at Vista? A. A little over two years.
Q. How long have you lived in Oklahoma? A. Two years.
Q. Where did you live before that? A. In Choctaw nation one year.
Q. Where did you live before that? A. In Texas.
Q. Where were you born? A. In Hopkins county, Tennessee.
Q. Where did you go from there? A. We moved from there to Falls Valley, Virginia... I went from there to Kentucky, and then to Missouri.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. You claim Choctaw blood through which parent? A. My mother.
Q. How much do you claim? A. My grandmother's mother was a full blood.
Q. What was her name? A. Blodson.
Q. You claim how much? A. One-eighth.
Q. What was your father's name? A. Adamson Rogers.
Q. What was your mother's name? A. Mary Rogers. Her maiden name was Mary Baker.
Q. Did your mother go with you when you moved until she died? A. Yes, sir.
Q. Where did she die? A. She died in Texas.

- Q. Did she go there with you? A. She moved there after I did. She moved with me until I was twenty-four.
- Q. Has she ever been recognized in any way or enrolled as a Choctaw citizen either by the tribal authorities or by the United States authorities in Indian Territory? A. No, sir.
- Q. Is your husband living? A. Yes, sir.
- Q. Is he a Choctaw Indian? A. No, he is a white man.
- Q. What is his age? A. He is eighty years old.
- Q. What is his full name? A. Evin Harvey Brock.
- Q. You don't make any claim for him, do you? A. No, sir.
- Q. Have you any children under twenty-one and unmarried for whom you want to make application? A. I have two.
- Q. Give me the name of the older? A. George Alfred Brock.
- Q. How old is he? A. He is twenty.
- Q. The other one? A. Ollie Smith Brock.
- Q. How old is she? A. She is sixteen.
- Q. Is this one a boy, too? A. Yes, both boys.
- Q. These are all you want to make application for, are they? A. Yes, sir.
- Q. Do you claim for yourself and these two children? A. Yes, sir.
- Q. Is Evin H. Brock the father of these children? A. Yes, sir.
- Q. You and your husband are living together as husband and wife, are you? A. Yes, sir.
- Q. And these children are with you at home? A. Yes, sir.
- Q. Were either of you ever married before you married to each other? A. Mr. Brock was.
- Q. Is he a white man? A. Yes, sir, he is white.
- Q. Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, I reckon not.
- Q. Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. No, sir.
- Q. You have never made application for citizenship in the Choctaw Nation before this time to any authority have you? A. No, sir.
- Q. Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority whatever? A. No, sir.
- Q. Do you now come before this Commission to identify yourself and two children as Mississippi Choctaws, claiming rights under the provisions of article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. Not exactly.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, for the purpose of removing as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go, and in order to protect the interests of those who remained article fourteen was drawn up and put into the treaty, and it was afterwards signed, and in February, 1831, was ratified.

Article fourteen reads as follows:

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

- Q. Do you now understand that? A. I think so.
- Q. Do you know if your ancestors complied or attempted to comply with the provisions of that article? A. No, sir.
- Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Gelia Bledsoe.
- Q. What relation was she to you? A. She was my grandmother's mother. I have heard my mother talk about her so much.
- Q. Then she was your great-grandmother? A. Yes, my great-grandmother.
- Q. How much Indian blood did she claim? A. They say she was a full blood. I never saw her.
- Q. Did she ever live in Mississippi? A. I don't know.
- Q. Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830? A. I don't know. I never heard of any such.
- Q. Did any of your Choctaw ancestors live in the old Choctaw Nation east of the Mississippi River and have a family there in 1830? A. I have heard it mentioned but I cannot say. My great-grandmother lived in Tennessee.
- Q. The best you can say, then, is that your great-grandmother lived in Tennessee? A. Yes, sir.
- Q. Did any of your Choctaw ancestors own any lands or improvements on land in Mississippi in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors claim any benefits after the ratification of the treaty of 1830 under article fourteen of the treaty of 1830? A. I never heard, and I don't know.
- Q. Did any of your ancestors move with the other Indians between 1833 and 1838 from the old Choctaw nation east of the Mississippi River to the Choctaw Nation in Indian Territory? A. No, I never heard them say.
- Q. Did any of your Choctaw ancestors go within six months after the ratification of the treaty of 1830 to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay and take lands and become citizens of the States? A. No, sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required, if they desired to take advantage of the provisions of article fourteen of that treaty, to go to Colonel Ward, the United States Indian Agent, within six months from the ratification of same, and tell him they wanted to stay, take lands 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". His neglect to do this caused a great many Choctaw Indians in Mississippi to lose both their land and improvements, for both were taken from them by the Government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that congress appointed a commission in 1837, by an act of march 3 of that year, 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 an act of congress of August 23 of that year. Both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

- A. Do you know whether any of your Choctaw ancestors went before either of these commissions and made claims under article fourteen of the treaty of 1830? A. No, sir.
- Q. Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select lands from the vacant government lands in Mississippi, Louisiana, Alabama, or Arkansas, to take the place of lands taken from them by the government and sold? A. Not that I know of.
- Q. This scrip was issued under authority of the act of Congress of August 23, 1842, and entitled the holders to lands in place of those taken from them and sold, on account of the failure of Colonel Ward to make a proper record of the names of those who appeared before him under article fourteen of the treaty of 1830. A. I don't know.
- Q. Have you any other relatives who have been before the Commission to be identified as Mississippi Choctaws? A: My son hasn't been before the Commission.
- Q. Have you any other relatives who have been here? A. No other kin, no, sir.
- Q. Do you understand or speak the Choctaw language? A. No, sir. My grandfather learned me how to holla like an Indian when I was a little girl.
- Q. You could not speak the language, could you? A. No, sir; I could not.
- Q. Could your grand -father, your grandmother or great-grandmother speak the Choctaw language? A. yes, sir; I reckon they could.
- Q. Did you hear your grandmother speak it? A Yes, sir.
- Q. You never did learn it? A. No, sir.

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

- Q. Is your hair black? A. It used to be black; I am old enough for it to be gray now.
- Q. What color are your eyes? A. My eyes are brown.

This applicant has the appearance and physical characteristics of being descended from white parents; she is very dark, has brown eyes, and gray hair which was formerly black. She claims that her grandmother and grandfather spoke the Choctaw language. It would appear to the Commission that applicant has a mixture of some other blood than white, and it is the opinion of the Commission that is Indian blood; she has the features of being part Indian. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 10, 1902; and that the foregoing transcript of his stenographic notes in same is a true and correct translation, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 15th day of May, 1902.

Charles W. Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

C. 01 W

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

Letitia Brock, et al., M.C.R. 5524
Benjamin Franklin Brock, M.C.R. 5524

----- 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 Letitia Brock for herself and her two minor children, George Alfred and Gilie Smith Brock, and by Benjamin Franklin Brock for himself, under the following provision of the act of Congress, approved June 20, 1898 (30 Stats. 498):

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

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

descendants of one Gelia Hiasoo, 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. 521.)

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Gelia Hiasoo, 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, 1843 (5 Stats. 518.)

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Letitia Brock, George Alfred Brock, Willie Smith Brock and Benjamin Franklin Brock as Choctaw Indians entitled 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

Tames Bixby.

acting chairman

T. B. Needles

C. R. Breckinridge.

Muskogee, Indian Territory

JAN 20 1903

W O R 2034
W O R 2034

Muskogee, Indian Territory, July 16, 1902.

Benjamin F. Brock,
Vicks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., asking information regarding the applications for identification as Mississippi Choctaws of yourself and your mother, Letitia Brock. You state that you have been told that twenty-five hundred cases have been tried under the treaty of 1830, and only seven cases went through, and ask when the case of yourself and your mother will be reached.

It really you are informed that it appears from our records that you are an applicant for identification as a Mississippi Choctaw and that your mother Letitia Brock is an applicant for the identification of herself and her other children as Mississippi Choctaws.

No decision has yet been reached nor opinion rendered relative to the right of these persons to identification as Mississippi Choctaws. When a decision is reached you will be duly notified of the same.

The Commission cannot render any opinion upon the sufficiency of evidence submitted in support of applications for naturalization as Mississippi Citizens until the cases are taken up for final consideration and decision.

Yours truly,

Commissioner in Charge

D. C. No. 24181.

C O P Y.

M. C. R. 5534

Vista, Okla. 12/9/02.

Commission To the five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

in answer to yours written on the 3 of December will say
my Grandmother is said to be half Mississippi Choctaw Indian.

Respectfully,

(signed) Letitia Brook,

Vista Okla.

File

M. C. N. 5534

Muskogee, Indian Territory, December 15, 1902.

Lotitia Brock,
 Vista, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you state that "my Grandmother is said to be half Mississippi Choctaw Indian".

You are advised that the information given by you has been made a matter of record.

Respectfully,

Acting Chairman.

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

ALLISON L. AVLESWORTH,
SECRETARY.

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

W. O. B.
REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 30, 1902.

Sarah Ann Patterson,
Nesbit, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state that you would like to enroll as a Mississippi Choctaw; that your mother, Letia Brock, enrolled in May, 1900; that you will give \$100.00 per head to have yourself and children enrolled.

In reply to your letter you are informed that it appears from the records of the Commission that Letia Brock, age 62, residence Vista, Oklahoma Territory, is an applicant for identification of herself and two minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in her case, but the Commission is now considering her application and it is probable a decision will be rendered in the near future when she will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to your presenting an application to this Commission for identification as a Mississippi Choctaw, you are informed that the authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the following provision of the act of Congress approved July 1, 1902, and ratified

S.A.P.----2.

by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902:

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

The fourteenth article of the treaty of 1830, above referred to, is as follows:

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

The Commission, in determining the rights 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 Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently ad-

S. A. P. -----3.

judicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would therefore be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians

S. A. P. ----4.

may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws at its office at Muskogee, Indian Territory, until March 25, 1903.

There is no charge to applicants for hearing applications for identification as Mississippi Choctaws.

Respectfully,



Acting Chairman.

K S R 6524

Muskogee, Indian Territory, January 8, 1903.

Sarah Ann Patterson,

Violet, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state that your mother, Letitia Break, "was enrolled on the tribal books of the Choctaws on May 10th." You ask what steps you must take to be enrolled as a Choctaw.

In reply to your letter you are informed that the Commission received a communication from you of similar purport, dated December 21, 1902, and on December 30, 1902, fully replied thereto. Our letter was addressed to you at Washit, Oklahoma, the post office address given by you in your letter.

Respectfully,

COMMISSIONER IN CHARGE.
Acting Chairman.

M.C.R. 5534

Muskogee, Indian Territory, January 20, 1903.

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 January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Letitia Brook, et al., embracing the following applications for identification as Mississippi Choctaws:

Letitia Brook, et al.,
Benjamin Franklin Brook,

M.C.R. 5534
M.C.R. 5535

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

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

Respectfully,

SIGNED:

T. E. N. Miss.
Commissioner in Charge.

COPY.

M.C.R. 5534

Muskogee, Indian Territory, January 20, 1903

Letitia Brock,

Vista, Oklahoma.

Dear Madam:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Letitia Brock, et al., embracing the following applications for identification as Mississippi Choctaws:

Letitia Brock, et al.,
Benjamin Franklin Brock,

M.C.R. 5534
M.C.R. 5535

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 Letitia Brock, George Alfred Brock, Ollie Smith Brock and Benjamin Franklin Brock as Choctaw Indians entitled 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.

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 5, 1905.

The Honorable

The Secretary of the Interior.

SIR:

There is transmitted herewith the record in the consolidated case of Letitia Brock, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 30, 1905.

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

Letitia Brock, et al. M.C.R. 5584
Benjamin Franklin Brock M.C.R. 5585

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,

CLEBER

Tenns Bixby.

Acting Chairman.

Through the
Commission of Indian Affairs.
Enc. M.C.R. 5584

Land
9355-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Letitia Brook for herself and her two minor children, George Alfred and Ollie Smith Brook and Benjamin Franklin Brook for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on January 20, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Gelia Bledsoe and her daughter, Polly (Baker) Rogers, who, it is claimed, were Choctaw Indians and residents of the Choctaw Nation at the date 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

-:- 2 -:-
as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Gelia Bledsoe and Polly (Bayer) Rogers, 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. Turner,

Acting Commissioner.

(E.B.H.)

P.

D.C. 9964

I.T.D.3000-1903.

DEPARTMENT OF THE INTERIOR.

FHE

E.R.8.

WASHINGTON.

April 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 5, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Letitia Brook (M C R 5534) for herself and her two minor children, George Alfred and Ollie Smith Brook, and of Benjamin O'Franklin Brook for himself, including your decision of January 20, 1903, denying their 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 Celia Bledsoe, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 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.

M.C.R. 5534.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of 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 Lotitia Brook, et al., of which decision you were advised by mail on the 20th day of January, 1903.

Respectfully,

SIGNED)

Tamie Dickey
Chairman.

M.O.R. 5534.

copy.

Muskogee, Indian Territory, April 18, 1903.

Letitia Brock,

Vista, Oklahoma.

Dear Madam:

You are hereby notified that on the 6th 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 Letitia Brock, et al., of which decision you were advised by registered mail on the 20th day of January, 1903.

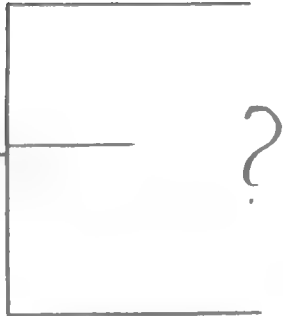
Respectfully,

(SIGNED)

Tams Bixby.

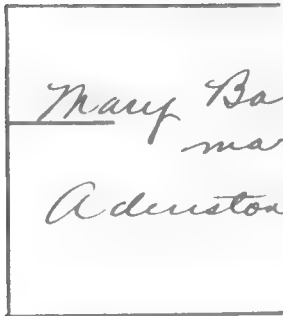
Chairman.

Celia Bledsoe,
free blood

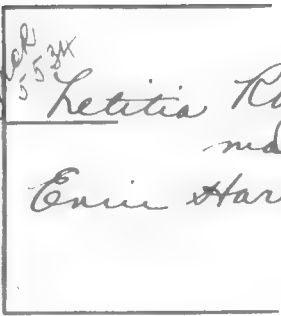


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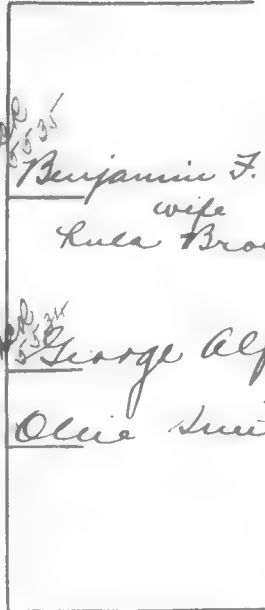
Mary Baker
mar
Adenston Rogers



Letitia Rogers 6 7/8
mad.
Ernie Harvey Brock w.



Benjamin F. Brock 29 1/2
wife
Rula Brock w.
George Alfred Brock 20
Olie Smith Brock 16



For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Letitia Brock

Age 62 - Blood 1/8

Post-Office, Vista, Okla.

Father: Adenston Rogers, d

Mother: Mary " d

Claims through mother.
Husband Evin H. Brock l.w.

No claim for husband

Children:

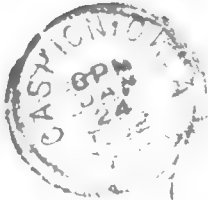
George A. Brock, 20

Ollie S. " (M) 16

Claims for self & children

Stenographer S.A. Apple

5534



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

FILED

FEB 2 1903



ACTING CHAIRMAN



Choctaw MCR 5535

Benjamin F. Brock

See MCR 5534

MCR 5535

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

N C - 5635

In the matter of the application of Benjamin Franklin
Breck for identification as a Mississippi Choctaw.

L. P. Hudson appeared as Attorney for Applicant.

Benjamin Franklin Breck, being first duly sworn, testi-
fied as follows:

Examination by the Commission.

- Q. What is your name? A. Benjamin Franklin Breck.
Q. Have you any family? A. I have a wife.
Q. Any children? A. No, sir.
Q. How old are you? A. I am twenty-nine years old.
Q. What is your post-office address? A. Vista, Oklahoma.
Q. How long have you lived in Oklahoma? A. It has been two years
since I came there.
Q. Where did you live before? A. In the Choctaw Nation.
Q. Where were you born? A. In Missouri.
Q. And where did you go from there? A. Went from there to Texas.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Evin Harvey Breck.
Q. What is your mother's name? A. Letitia Breck.
Q. You claim through your mother? A. Yes, sir.
Q. How much Choctaw blood do you claim? A. One-sixteenth.
Q. Has your mother ever been recognized in any or enrolled as a
citizen of the Choctaw Nation in Indian Territory? A. No,
sir.
Q. Are you married? A. Yes, sir.
Q. What is the name of your wife? A. Lula Breck.

- Q. Has she any Choctaw blood? A. No, she is a white woman.
- Q. You don't make any claim for her? A. No, sir.
- Q. Have you any children? 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 enrollment as a citizen of the Choctaw Nation to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application for enrollment to the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation under the act of Congress of June 10, 1896? A. No, sir.
- Q. Is this the first application you have made to any authority whatever for enrollment as a citizen of the Choctaw Nation? A. It is.
- Q. Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming rights 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 and 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 ever comply or attempt to comply with any of the provisions of that article? A. Not that I know of.
- Q. Do you claim your Choctaw blood through Celia Bledsoe? A. Yes, sir.
- Q. What relation was she to you? A. She was my mother's great-grandmother.
- Q. And would be your great-great-grandmother? A. Yes, sir.
- Q. Do you know whether she ever lived in Mississippi or Alabama? A. I don't know.
- Q. How old would she be if living now? A. I can't tell.
- Q. How much Choctaw blood did she have? A. They claimed that she was a full blood.
- Q. You have heard your mother say so? A. Yes, sir.
- Q. Do you know whether she lived in Mississippi or Alabama in 1830 and was the head of a family there then? A. I don't know.

- Q. You have never heard of any of your Choctaw ancestors who had families in Mississippi or Alabama in 1830? A. No, sir.
- Q. Never heard whether any of your Choctaw ancestors lived in the old Choctaw Nation when the treaty of 1830 was ratified? A. Not that I know of.
- Q. Did any of your Choctaw ancestors own or claim any lands in the old Choctaw Nation under article fourteen of the treaty of 1830? A. No, sir.
- Q. Did you ever hear whether any of your Choctaw ancestors went with the other Indians from the Choctaw Nation west of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 and 1838? A. I never heard.
- Q. Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay, take lands and become citizens of the States? A. Not that I know of.

In 1837 and in 1842 congress appointed commissions which went to Mississippi and heard claimants under article fourteen of the treaty of 1830, of those Indians who had had lands and improvements taken from them by the government and sold. The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required to report to the Indian Agent, Colonel Ward, and signify their intentions of staying and becoming citizens of the States. But Colonel Ward failed to make a complete record of all who came before him, and hence their lands and improvements were sold by the government in many cases. Now, these commissions were appointed by congress to go to Mississippi and make lists of those who had made intentions to stay and whose names did not appear upon "Ward's Register."

- Q. Do you know whether any of your ancestors appeared before either the commission of 1837 or 1842 and claimed benefits under article fourteen of the treaty of 1830? A. No, sir.
- Q. Did any of your ancestors receive any scrip which entitled them to select lands in Mississippi, Alabama, Louisiana, or Arkansas to take the place of those taken from them and sold? A. I don't know. I suppose not.
- Q. This scrip was issued under the act of Congress of August 25, 1842, and was intended to give lands to those Indians who had remained and complied or attempted to comply with the provisions of article 14 of the treaty of 1830. A. I don't suppose they received any such scrip.
- Q. Have you any other relatives who have applied to this Commission other than Letitia Brock, your mother? A. No, sir.
- Q. Do you want your case and hers consolidated and considered together by the Commission? A. Yes, sir.
- Q. Have you any other evidence you want to introduce before the Commission?

Hereof L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application, which will be done in the near future.

Notice granted by the Commission.

- 4
- Q. Is there anything more you want to say at this time in support of your application? A. Nothing except there were two names not mentioned here which might be suggested.
- Q. Who are they? A. My mother's mother was named Pelly Baker; that was her maiden name, and she married a man named Rogers.
- Q. Did your mother claim through her mother? A. Yes, sir.
- Q. And her grandmother claimed through her mother? A. Yes, sir.
- Q. What was her name? A. Wallen--I can't give the first name.
- Q. And she claimed through her mother, Celis Bledsoe? A. Yes, sir.
- Q. Was Celis Bledsoe her maiden name or her married name? A. I don't know.
- Q. Do you know whom she married? A. No, sir.
- Q. Of all those you have traced back, do you know of any who ever lived in the old Choctaw Nation 1830? A. No, sir.
- Q. Do you speak the Choctaw language? A. I knew but little about it.

This applicant has the appearance and physical characteristics of being descended from white parents; he has blue eyes, dark complexion, now somewhat tanned; light hair and mustache. His mother she appeared before the Commission on this date--Letitia Brock--on the contrary is dark. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, testifies on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on May 10, 1902; and that the above and foregoing is a true and correct transcription of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 15th day of May, 1902.

Charles H. Semper
Notary Public.

COPY

M.O.R, 5535

Muskogee, Indian Territory, January 20, 1903.

Benjamin F. Brock,
 Vista, Oklahoma.

Dear Sir:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Letitia Brock, et al., embracing the following applications for identification as Mississippi Choctaws:

Letitia Brock, et al.,	M.C.R. 5534
Benjamin Franklin Brock,	M.C.R. 5535

These applications were made under the provision of the act of Congress of June 29, 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 Letitia Brock, George Alfred Brock, Ellie Smith Brock and Benjamin Franklin Brock as Choctaw Indians entitled 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 be-

-2-

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

T. B. Woodlee.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5535.

Muskogee, Indian Territory, April 18, 1903.

Benjamin F. Brock,

Dear Sir:-

You are hereby notified that on the 6th 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 Letitia Brock, et al., of which decision you were advised by registered mail on the 20th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Benjamin F. Brock

Age 29 - Blood 1/16

Post-Office, Vista, Okla.,

Father: Erin H. Brock l

Mother: Letitia " l

Claims through mother
wife, Lula Brock, w. l.

No claim for wife

~~Children:~~

Claims for
self

Choctaw MCR 5536

Thomas F. Eubanks

MCR 5536

DEPARTMENT OF THE INTERIOR,
BUREAU OF THE STATE CIVILIAN SERVICE.

In the matter of the application of Thomas F. Banks
et al., for identification as Mississippi Choctaws. N.C.R. 5536.

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

Original application of Thomas F. Banks,
et al., to the House Committee for iden-
tification as Mississippi Choctaws.

Decision of the Committee refusing the
application of Thomas F. Banks, et al.,
for identification as Mississippi Choctaws.

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

M C - 5536

In the matter of the application of Thomas F. Eubanks for the identification of himself and his six minor children, Louisa V. Eubanks, Joseph Thomas Eubanks, Marlin Marcus Eubanks, Roy Lee Eubanks, Lillie Hortense Eubanks, Willie Belle Eubanks, as Mississippi Choctaws.

L. P. Hudson appeared as Attorney for Applicants.

Thomas F. Eubanks, being first duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Thomas F. Eubanks.
Q. How old are you? A. I am forty-nine years old.
Q. What is your post office address? A. Asher, Oklawaha.
Q. How long have you lived at Asher? A. About six months.
Q. Where did you live before that? A. In the Chickasaw nation.
Q. How long did you live in the Chickasaw Nation? A. Eighteen years.
Q. Where did you live before you lived there? A. In Texas.
Q. How many years did you live in Texas? A. I was raised there.
Q. Were you born in Texas? A. I was born in Arkansas, and went from there to Texas.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. William Eubanks.
Q. What was your mother's name? A. Elizabeth Eubanks.

- Q. Through which parent do you claim Choctaw blood? A. My 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 citizen of the Choctaw Nation in Indian Territory? A. Not that I know of.
- Q. Are you married? A. Yes, sir.
- Q. Is your wife living? A. Yes, sir.
- Q. Is she an Indian or white woman? A. She is a white woman.
- Q. What is her name? A. Ruthie Ellen Eubanks.
- Q. Do you make any claim for her? A. No, sir.
- Q. How many children have you under age and unmarried? A. I have six.
- Q. Give me the name of the oldest one? A. Louisa V. Eubanks.
- Q. How old is she? A. Fifteen years old.
- Q. The next one? A. Joseph Thomas Eubanks.
- Q. How old is he? A. Thirteen.
- Q. Next? A. Marlin Marcus Eubanks.
- Q. How old is he? A. Eight years old.
- Q. Next one? A. Roy Lee Eubanks.
- Q. How old is he? A. Six years old.
- Q. Next one? A. Lillie Hortense Eubanks.
- Q. How old? A. Four years old.
- Q. Next? A. Willie Belle Eubanks.
- Q. How old? A. One year old.
- Q. You claim for yourself and these six children? A. Yes, sir.
- Q. Is Ruthie Ellen Eubanks the mother of these children? A. Yes, sir.
- Q. Are you and your wife living together and these children with you? A. Yes, sir.
- Q. Were either of you married before you married each other? A. No, sir.
- Q. Have you the proof of your marriage with you? A. No, but I suppose I can get it.

A reasonable time will be allowed applicant in which to supply the proof of his marriage.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. Not that I know of.
- Q. Have you ever made application for citizenship for yourself and children in the Choctaw Nation either to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever applied to the Commission to the Five Civilized Tribes for enrollment of yourself and children under the act of Congress of June 10, 1896? A. No, sir.
- Q. Is this the first application you have ever made to any authority whatever for the enrollment of yourself and children as citizens of the Choctaw Nation? A. Yes, sir. Except as I spoke to Judge Hudson this morning; three years ago I wrote to the Secretary of the Interior and sent the names of my family, and he wrote to me to go to the Dawes Commission with my application.
- Q. What did you do? A. I did not go before the Dawes Commission, because there were so many sharks over there where I was who wanted to represent me that I would not have anything to do with them. I did not do anything more about it.

- Q. Do you now come before the Commission to identify yourself and children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I think so.

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 now? A. Yes, sir.
- Q. What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Elizabeth Robbins.
- Q. Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of that article of that treaty? A. I cannot tell you; I don't know.
- Q. Did Elizabeth Robbins live in Mississippi in 1830, or in Alabama? A. I cannot tell you.
- Q. Where was she living at that time? A. I don't know.
- Q. Did she ever live in Mississippi? A. Yes, sir. She claimed she lived in Mississippi.
- Q. Can you give me the names of any of any of your ancestors who lived in Mississippi or Alabama in 1830 and was the head of a family there? A. I cannot.
- Q. How much Choctaw blood did Elizabeth Robbins have? A. My mother was a quarter-son, a quarter blood Choctaw.
- Q. What was your mother's maiden name? A. Elizabeth Robbins.
- Q. Did she claim through her mother or father? A. She claimed through her mother.
- Q. What was her mother's name? A. Caffey, to the best of my recollection.
- Q. What was her first name? A. They called her Nellie.
- Q. Nellie Caffey was her maiden name before she married Robbins? A. Yes, her married name was Nellie Robbins.
- Q. Did Nellie Caffey or Nellie Robbins have Indian blood? A. She claimed to have, yes, sir.
- Q. Did she live in Mississippi or Alabama in 1830? A. It seems to me that she did live in Mississippi and went from there to Texas.
- Q. Do you know whether she lived in Mississippi in 1830 and had a family there then? A. I don't know whether she did or not at that time.
- Q. Did any of your Choctaw ancestors own or claim any lands in the old Choctaw Nation under article 14 of the treaty of 1830?

- +
- A. Not that I know of.
- Q. Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to remain in Mississippi, take lands there, and become citizens of the States? A. I don't know.
- Q. Did any of them own any improvements on lands in Mississippi or Alabama in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors go with the other Indians from the Choctaw nation east of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? 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, take lands and become citizens of the States? A. I don't know.
- Q. In 1837 and 1842 commissions were appointed by congress which went to Mississippi and heard claimants under article 14 of the treaty of 1830. Many of the Choctaw Indians who went to Colonel Ward in accordance with the provisions of article 14 and signified their intention of remaining and becoming citizens were not put upon his list, known as "Ward's Register", and his failure to so put them upon his record caused many to lose both their land and improvements, for both were taken from them and sold by the government at its public land sales. These commissions went to Mississippi to hear the claims of those who had had land or improvements taken from them by the Government and sold.
- Q. Do you know whether any of your ancestors went before either of these commissions and claimed benefits under article 14 of the treaty of 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors receive any scrip from the government, which was issued under the act of Congress of August 23, 1842, and which entitled the holders to select lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas to take the place of those which had been taken by the government and sold? A. I don't know.
- Q. Have you any relatives or kin folks who have been before the Commission to be identified as Mississippi Choctaws? A. None that I know of.
- Q. You are not related to Benjamin F. Brock, are you? A. No, sir.
- Q. Have you any other evidence you will want to introduce later?

L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application in the near future.

Motion allowed by the Commission.

Q. Do you speak or understand the Choctaw language? A. No, sir.
I know very little about it.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark complexion, somewhat tanned; brown eyes and black hair; he has no knowledge of the Choctaw language and no knowledge of any compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 10, 1902; and that foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 15th day of May, 1902.

Charles W. Harrison

Notary Public.

Chas
C. S. W.

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

In the matter of the application of Thomas F. Roberts,
et al., for identification as Mississippi Choctaws. H.C.R. 6444.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Thomas F. Roberts for himself and his six other children, Louisa V., Joseph Thomas, Martha Harris, Ray Lee, Ellis Lawrence and Willie Belle Roberts, under the following provision of the act of Congress approved June 24, 1902, (32 Stat., 451):

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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-

1/4 See Testimony of Thomas & Embawa page 2

(2).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nellie Robbins (nee Gaffey), 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, 1890, (26 Stat., 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nellie Robbins (nee Gaffey) or a law remote ancestor, 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, 1857, (3 Stat., 120), and August 23, 1842, (3 Stat., 612).

It is, therefore, the opinion of this Commission that

(5).

the evidence herein is insufficient to determine the identity of Thomas V. Banks, Louis V. Banks, Joseph Thomas Banks, Martin Harvey Banks, Ray Lee Banks, Eddie Bertland Banks and Willie Belle Banks as Choctaw Indians entitled 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 on such should be refused, and it is so ordered.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

SIGNED

James Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

NOV 1 1907

COPY.
Muskogee, Indian Territory, November

Thomas F. Eubanks,
Aaher, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas F. Eubanks, 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 Thomas F. Eubanks, Louisa V. Eubanks, Joseph Thomas Eubanks, Marlin Marcus Eubanks, Roy Lee Eubanks, Lillie Hortense Eubanks and Willie Belle Eubanks as Choctaw Indians entitled 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 af-

file, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby

Acting Chairman.

Registered.

COPY.
Muskogee, Indian Territory, November 1, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas F. Eubanks, 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 Thomas F. Eubanks, Louisa V. Eubanks, Joseph Thomas Eubanks, Marlin Marcus Eubanks, Roy Lee Eubanks, Lillie Hortense Eubanks and Willie Belle Eubanks as Choctaw Indians entitled 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,

Yours,

James Blythe

Acting Chairman

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas F. Hubanks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1, 1902.

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

Respectfully,

(SIGNED)

James D. Kirby
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. N. 5536.

AV

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

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

REFER IN REPLY TO THE FOLLOWING
M.C.N. 5834

ALLISON L. AVLESWORTH
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Madrege, Indian Territory, November 1, 1902.

Thomas F. Mubanks,
Asher, Oklahoma Territory.

Dear Sirs

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas F. Mubanks, et al., applicants for identification as Mississippi Choctaws.

This application was 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 Thomas F. Mubanks, Louis V. Mubanks, Joseph Thomas Mubanks, Marlin Marcus Mubanks, Ray Lee Mubanks, Lillie Horne Mubanks and Willie Belle Mubanks as Choctaw Indians entitled 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 of-

--2--

file, 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,

P. A. Buckinridge

Commissioner in Charge.
~~Acting Chairman.~~

Registered.

-:- COPY -:-

Land.
69872-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Thomas F. Eubanks, for the identification of himself and his six minor children, Louis V., Joseph Thomas, Marlin Marcus, Roy Lee, Lillie Hortense and Willie Belle Eubanks, as Mississippi Choctaws claiming rights under the 14th Article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Elizabeth Robbins, through Elizabeth Robbins (nee Eubanks) it being claimed that Elizabeth Robbins was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of Article 14 of the treaty. The applicants are not full-blood Choctaw Indians.

A careful search of the records of this office fails to show that Elizabeth Robbins received a patent for land under the provisions of the 14th Article of the treaty of 1830, or complied

or attempted to comply with the provisions thereof; neither does it appear that she applied to the Commission appointed under Acts March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.

L.

D.C. 2081

-:- COPY -:-

EAF.

ITD.7892-1902.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS.

January 30, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen;

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Thomas F. Eubanks and his minor children, Louisa V., Joseph Thomas, Marlin Marcus, Roy Lee, Lillie Hortense and Willie Belle Eubanks.

The applicants attempt to trace their descent from one Nellie Robbins (nee Caffey), alleged to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever enrolled or admitted to citizenship in the Choctaw Nation, or that said Nellie Robbins (nee Caffey) or a less remote ancestor of the applicants complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You denied the application November 1, 1902. The Commissioner of Indian Affairs forwarded the case December 20, 1902, and recommended approval of your decision. A copy of his communication is inclosed herewith.

Having carefully reviewed the whole record in the case, the Department hereby affirms your decision therein.

Respectfully,

Thos. Ryan,

COPY.

Muskogee, Indian Territory, January 31, 1903.

Manfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th 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 Thomas F. Eubanks, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

SIGNED.

James Dixby.

Acting Chairman.

M.C.R. 5636

COPY.

Muskogee, Indian Territory, January 31, 1903.

Thomas F. Eubanks,
Asher, Oklahoma Territory.

Dear Sir:

You are hereby notified that on the 20th 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 Thomas F. Eubanks, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Acting Chairman,

M C R 5536

Muskogee, Indian Territory, April 10, 1906.

Bond & Melton,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised the status of the Mississippi Choctaw application of Thomas F. Eubanks, et al.

In reply you are informed that it appears from the records of this office that on May 10, 1902, at Muskogee, Indian Territory, Thomas F. Eubanks, forty-nine years of age, post office address Asher, Oklahoma, in company with his attorney, L. P. Hudson, made application for the identification of himself and minor children, Louisa V., Joseph Thomas, Marlin Marcus, Roy Lee, Lillie Hortense and Willie Belle Eubanks, as Mississippi Choctaws.

November 1, 1902, the Commission to the Five Civilized Tribes rendered a decision adverse to Thomas F. Eubank et al., and the principal applicant was notified of this decision by registered mail at Asher, Oklahoma, the only post office address he had given. This letter was returned marked "unclaimed."

The Secretary of the Interior on January 20, 1903, affirmed the decision above referred to. Notice of such Departmental

Bond & Walton 2

action was furnished Thomas F. Hubank by letter dated January 31,
1903. The same was also returned "unclaimed."

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Thomas F. Eubanks,

Age 49 — Blood 1/8

Post-Office, Asher, Okla.

Father: William Eubanks, d

Mother: Elizabeth " d

Claims through mother —

wife Ruthie E. " L. W.

No claim for wife —

Children:

Louisa V. Eubanks. 15.

Joseph T. " 13.

Marlin M. " 8

Roy Lee " 6

Lillie H. " 4

Willie Belle " 1

~~Claims for self &
children —~~

Scriber A. A. Apple.

Choctaw MCR 5537

Wm. W. Manning

See MCR 5993

MCR 5537

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

X G - 5537 -

In the matter of the application of William W. Manning for the identification of himself and his six minor children, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, and Thomas V. Manning, as Mississippi Choctaws.

I. P. Hudson appeared as Attorney for Applicant.

William W. Manning, being first duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. William W. Manning.
Q. How old are you? A. I am thirty-six years old.
Q. What is your post office address? A. Ada, Indian Territory.
Q. How long have you lived in Indian Territory? A. Three years.
Q. Where did you come from to the Territory? A. From Texas.
Q. Were you born in Texas? A. Yes, sir.
Q. Have you always lived there until you came to the Territory?
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. Benjamin T. Manning.
Q. What was your mother's name? A. I. N. Manning.
Q. How much Choctaw blood you claim? A. One-eighth, on my father's side. I claim Choctaw blood from my mother's side also, but I don't know how much.

- Q. You claim at least one-eighth through both parents? A. Yes, sir.
Q. Have you the marriage license of your father and mother with you? A. No, sir.
Q. Can you introduce proof of the marriage of your father and mother later, if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Have your parents ever been recognized in any way or enrolled as a citizen of the Choctaw nation by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A. I don't know.
Q. Have you a wife living? A. Yes, sir.
Q. Is she a Choctaw Indian or a white woman? A. She is white.
Q. Do you make any claim for her? A. No, sir.
Q. What is your wife's name? A. Texanna A. Manning.
Q. Give me the name of your oldest child for whom you want to make application? A. Sydney S. Manning, a boy.
Q. How old is he? A. Ten years old.
Q. Next one? A. You get two this time. Ranny B. Manning and Vanny B. Manning.
Q. Are they twins? A. Yes, both boys, and they are eight years old.
Q. Next one? A. Yora Lee Manning? A.
Q. How old? A. Five years old.
Q. Next? A. George C. Manning.
Q. How old is he? A. Three years old.
Q. Next? A. Thomas V. Manning.
Q. How old? A. Six months old.
Q. Is your wife, Texanna A. Manning, the mother of these children? A. Yes, sir.
Q. Are you and your wife living together as husband and wife? A. Yes, sir.
Q. And these children are home with you? A. Yes, sir.
Q. Have you the proof of your marriage with you? A. No, sir.
Q. Can you introduce this proof later if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A. No, sir.
Q. Have you ever made application to the Choctaw tribal authorities or to the United States authorities in Indian Territory for the enrollment of yourself and children as citizens of the Choctaw nation? A. No, sir.
Q. Have you ever made application for enrollment as a citizen of the Choctaw Nation to the James Commission under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever before this time made application for citizenship for yourself and children in the Choctaw nation to any authority whatever? A. No, only this: When I was at Ada, since I came there, an attorney at Davis wrote to me and wanted to prove up my claim for me. That was two years ago, and I went to see him. He said he wrote to the James Commission, but I never appeared here and don't know anything more about it.
Q. You made no personal appearance at that time and never testified before the Commission under oath, did you? A. No, sir.
Q. Then this is your first application? A. Yes, sir.
Q. Do you now want to be identified as a Mississippi Choctaw, claiming under Article 14 of the treaty of 1830? A. Yes, sir.

Q. Do you understand that article of that treaty? A. I understand it reasonably well.

It reads as follows, without the explanation:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 ever 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 the right to be identified as a Mississippi Choctaw? A. Her married name was Mary A. E. Manning.
- Q. What relation was she to you? A. My grandmother.
- Q. Did she live in Alabama or Mississippi in 1830? A. She lived in Mississippi.
- Q. Did she live there in 1830? A. I don't know as to the date.
- Q. Do you know whether any of your ancestors lived in Mississippi in 1830 and had a family there? A. I don't know.
- Q. How old would your grandmother be if living now? A. I don't know.
- Q. Did she have a Choctaw Indian name or speak the Choctaw language? A. I don't know.
- Q. Do you claim through your father or mother? A. I claim through both.
- Q. Who would be your ancestor on your mother's side through whom you claim Choctaw blood? A. Vick. Her father's name was William Vick.
- Q. What relation was William Vick to you? A. My grandfather.
- Q. Did you ever hear that any of your ancestors on your mother's side lived in Mississippi in 1830 and had a family there? A. I don't know.
- Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama, in 1830, on either side? A. I don't know.
- Q. Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him they wanted to stay, take lands 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 Mississippi River to the Choctaw Nation in Indian Territory with the other Indians who went between 1833 and 1836 and 1840? A. I don't know.

- Q. Did you ever hear that any of your Choctaw ancestors owned any lands or claimed any benefits under article fourteen of the treaty of 1830 in Mississippi or Alabama? A. No, sir.

The Choctaw Indians who stayed back there 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, and tell him that they wanted to stay, take lands 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." His neglect to do this caused a good many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken

from them by the Government and sold at its public lands sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress of March 3 of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed, by an act of Congress of August 23 of that year, and both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

- Q. Did any of your Choctaw ancestors go before either of these commissions and claim benefits as Choctaw Indians under the provisions of article fourteen of the treaty of 1830? A I do not know.
- Q. In 1842, the commission acting under the provisions of August 23 of that year, and commissions acting in both cases, issued scrip or certificates to Choctaw Indians who appeared before the Commission claiming they had rights under article fourteen of the treaty of 1830; and also claiming that the improvements which they had formerly held were taken from them and sold. Do you know whether any of your ancestors received any of this scrip from the Government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas in the place of those taken and sold? A. I don't know.
- Q. Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A. I don't know.
- Q. Have you any kin folks that you know of who have been here to make an application? A. Not that I know of.
- Q. Have you any brothers or sisters? A. No, sir.
- Q. Do you speak or understand the Choctaw language? A. I do not.

Q. Is there any other evidence you want to introduce in support of your application?

Hereof L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application in the near future.

Motion granted by the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes, a medium dark complexion, and dark hair, nearly black, with a black mustache. He does not understand or speak the Choctaw language and has no knowledge of any compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 10, 1902; and that the foregoing transcription is a true and correct translation of his notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 15th day of May, 1902.

Charles McSamson
Notary Public.

M C R 5537.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, Indian Territory, June 25, 1902.

Additional Testimony in the matter of the application
of William W. Manning, et al., for identification as Mississippi
Choctaws.

Luther F. Vick, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Luther F. Vick.
Q How old are you, Mr. Vick? A Fifty two.
Q What is your post office address? A Lynch, Texas, Hopkins
County.
Q What is your occupation? A Farming.
Q Are you the Luther F. Vick who appeared before the Commission
here this morning an applicant for identification as a Mississippi
Choctaw? A Yes, sir.
Q Are you acquainted with William W. Manning? A Yes, sir.
Q How long have you known him? A I have known him ever since he was
three weeks old.
Q Is he any relation to you? A He is a nephew of mine; my sister's
son.
Q What was his mother's name? A Irvella E. Manning.
Q She was your full sister? A Yes, sir.
Q Through which one of her parents did she get her Choctaw
blood? A Her father.
Q What was his name? A William Vick.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his name? A Stephen Vick.
Q About how old would Stephen Vick be if he were living today?
A I have no knowledge much of his age. William Vick would be
about eighty years old if he were living today.
Q Through which one of his parents did Stephen Vick get his Choctaw
blood? A I do not know.
Q Do you know the names of Stephen's parents? A No, sir; I don't
know, really, I couldn't say.
Q Have you ever heard what they were? A His parents, I heard, was
a Colonel D. Vick, or Colonel B. Vick. I don't know what the
"B" stood for.
Q Do you know what his mother's name was? A No, sir.
Q Do you know the names of his parents, or any of their ancestors?
A The parents?
Q Of B. Vick? A Now, I understand.
Q Hewitt Vick? A Yes, sir.
Q Do you know what his mother's name was? A No, sir; I do not.

William W. Manning, et al., 2.

(To Applicant)

Is there anything else, Mr. Manning, you want to prove by this witness?

By William W. Manning:

I want to prove about the marriage of my father and mother.

By Commission:

You get your Choctaw blood through your mother, and it is not necessary to establish the marriage of your father and mother.

By William W. Manning:

I get Choctaw blood on both sides.

By Commission:

What was the name, Mr. Vick, of this applicant's father? A

A Benjamin T., I believe, - Manning.

Q When did he die? A He - I do not know; he was away when he died.

Q About how old a man do you think he would be if he were living now? A I will give you an idea. Just give me a minute to think. I think he would be about - something near about fifty three years old, if he were living now. His father.

Q He was just about the same age as you? A He was a little older than I am. I am fifty two.

Q Do you know where he was born? A I have been told by his relatives he was born in Mississippi. That's all I knew.

Q How old was he when you first met him? A When I first met him, he - he was a young man; I saw him and met him before he was married to my sister, but I don't know what age he was - a young man.

Q Do you know his parents? A Yes, sir.

Q Do you know through which one of them he claimed his Choctaw blood? A His mother.

Q What was her name? A Mary Manning.

Q What was her maiden name? A Mary Davis, I was informed.

Q Well, how old a woman do you think she would be if she were living now? A I haven't much idea; it's been some years since I seen her, but I suppose she would be, perhaps, seventy odd if she were living now.

Q Do you know where she was born? A No, sir.

Q Where she lived during the greater part of her life? A She lived in Texas the time I know anything about her.

Q Do you know the names of her parents? A No, sir, I do not.

Q Or her grand parents? A No, sir.

Q Were you present at the marriage of your sister to Benjamin T. Manning? A No, sir, was not; I was in the community, but wasn't present.

Q You knew they were legally married, do you? A I suppose so; I never heard any complaint made against it.

William W. Manning, et al., 3.

- Q How long did they live together as husband and wife? A They lived together - I don't remember how long.
- Q Can't you give us an idea how long? A I suppose it was some six or eight years.
- Q Lived until the death of one of them? A I think so, yes, sir.
- Q How many children were born to them? A There was two; one died, a twin to this one that is here present, William W. Manning, is all I remember of.
- Q They were commonly accepted and known in the community as husband and wife? A Oh! yes, sir.
- Q Did you ever hear of Mary Davis having any middle initials?
- A No, sir.

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskegee, Indian Territory, on the 25th day of June, 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 Muskegee, Indian Territory, this 15th day of July, 1902.



Commissioner.

Miss. Choctaw 88637

Muskogee, Indian Territory, July 12, 1902.

W. W. Manning,

Remailed to Violet Oklahoma
~~Muskogee~~, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 7, in which you state that you forward a certified copy of your marriage license to be filed in support of your application for identification as a Mississippi Choctaw, but you are informed that no inclosure was received with your letter.

Yours truly,

Acting Chairman.

Miss. Choctaw 5857
Miss. Choctaw 5879

Muskogee, Indian Territory, September 17, 1904.

William W. Manning,
Violet, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 12, in which you ask to be advised the status of the applications for identification as Mississippi Choctaws of William W. Manning, et al., Luther F. Vick, et al. You ask, if no decision has been rendered in your cases, that you be informed about when you may expect a decision, as you say you have been informed that all Indians must collect the numbers of their land prior to the twenty fifth.

In reply to your letter you are advised that no decision nor opinion has yet been rendered in the consolidated case of Mary S. Reynolds, et al., of which your application and the application of Luther F. Vick have been made a part, and it is impossible at this time to say when the same will be reached for consideration and determination. As soon as a decision is rendered you and the other applicants will be notified of the action of the Commission. The status of yourself and the other persons included in this case is that of applicants for identification as Mississippi Choctaws whose rights as such Mississippi Choctaws have not yet been determined by the Commission.

W.H. 2

It is not believed that applicants for identification as Mississippi Choctaws, until they have been duly identified by the Commission to the Five Civilized Tribes as Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830, are entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

H C R 5827
H C R 6538
H C R 8278

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 26, 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.

M C R 5537

Muskogee, Indian Territory, February 11, 1903.

William W. Manning,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant in which you state "I have been informed that Judge Adams has ruled out everything the Dawes Commission has done, and I would like to know if that has anything to do with Mississippi Choctaws."

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 the present time reached any opinion or decision relative to your right to such identification, but is now considering your application and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

It is presumed your reference to the ruling of Judge Adams refers to the recent decision of the Choctaw-Chickasaw citizenship court, and you are informed that this court does not have jurisdiction over Mississippi Choctaw cases.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1903.

William W. Manning,
Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5998
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Gora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Bora H. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Cel Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chleo Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Reley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled 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."

W. V. E. # 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,

(SIGNED).

Tame Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, February 28, 1903.

Wm. W. Manning,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th 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 in which to offer additional evidence, and to be advised "whether L. P. Hudson is allowed before the Commission or not."

In reply to your letter you are informed that the fifteen days from February 18, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, will expire on March 5, 1903. On March 6, 1903, the record in your case, together with such arguments as may be offered by you, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior are granted

Wm. V. M. 2

under specific departmental instructions and cannot be extended.

You are further advised that L. P. Hudson has been suspended from practicing as an attorney before this Commission.

Respectfully,

Chairman.

M C R 5537

COPY.

Muskogee, Indian Territory, April 7, 1904.

William W. Manning,

Center, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

MCR-8537

Muskogee, Indian Territory, October 22, 1906.

Wm. W. Manning,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant by reference from the Secretary of the Interior. Therein you request to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised it appears from the records of this office that you are one of the parties applicant in the consolidated Mississippi Choctaw case of Mary S. Reynolds et al., in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 18, 1903. This decision was affirmed by the Secretary of the Interior March 24, 1904.

It does not appear that there is any motion for review or reconsideration of this case now pending, and as the time within which such motions could be received expired June 25, 1906, the Department's decision of March 24, 1904, is considered final.

Respectfully,

Commissioner.

M O R 5537

Muskogee, Indian Territory, November 22, 1906.

Wm. W. Manning,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, stating that on September 25, 1906, you appeared before A. D. Goodenough at Ada, Indian Territory, and in good faith made application as a Mississippi Choctaw. You now request to be advised as to whether or not such application ever reached this office.

The records of this office show that on October 22, 1906, you were fully advised as to the status of your claim. It is presumed that your alleged appearance before Goodenough was for the purpose of securing a rehearing in your case as you had already applied to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw and been rejected. Apparently no application for a rehearing of your claim was ever received at this office.

You are further informed that numerous complaints have been received relative to the actions of A. D. Goodenough of Sulphur, Indian Territory, in connection with Mississippi Choctaw cases. He is not connected with this office in any manner whatsoever.

Wm. V. M. 2

ever, neither has he ever been authorized to receive Mississippi
Choctaw applications or to represent the Commissioner to the Five
Civilized Tribes in any capacity.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name W. M. Manning

Age 36 Blood 1/8 (2)

Post-Office, Ada, I. T.

Father: Benj. T. Manning, d

Mother: J. M. Manning, d

Claims through both parents.
wife. W. A. Manning, l. w.

No claim for wife

Children:

- Sydney A. Manning (M) 10
- Ranny B. " (M) 8
- Vanny B. " M 8
- Nora Lee " 5
- George C. " 3
- Thomas V. " 6 m.

Claims for self & children.

Stenographer J. A. Apple

Choctaw MCR 5538

Allan M. Neal

See MCR 6107

MCR 5538

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

M C - 3533 -

In the matter of the application of Allan M. Neal for identification of himself and his five minor children, Talliver M. Neal, Ella M. Neal, Rosa B. Neal, Ira C. Neal and Benjamin P. Neal, as Mississippi Choctaws.

L. P. Hudson appears as Attorney for Applicant.

Allan M. Neal, being first duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Allan M. Neal.
Q. How old are you? A. I am forty-eight.
Q. What is your post office? A. Center, Ind. Ter.
Q. How long have you lived at Center? A. I have just lived this year in the immediate town.
Q. How long have you been in Indian Territory? A. Nine years.
Q. Where have you lived in the Territory? A. Near Center most of the time.
Q. Where were you born? A. In Mississippi.
Q. Where in Mississippi were you born? A. In Choctaw county.
Q. How long did you live there? A. I was there 23 years.
Q. And went where? A. From there to Arkansas.
Q. And from Arkansas to Texas? A. Yes, sir. I lived in Arkansas four years; then lived in Texas, and back to Arkansas and from Arkansas I came to Indian Territory.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. Stephen Neal.
Q. What was your mother's name? A. Sarah Neal.

- Q. Through which parent do you claim Choctaw blood? A. My mother.
- Q. How much Choctaw blood do you claim? A. One-eighth.
- Q. Has your mother ever been recognized or enrolled in any way as a member of the Choctaw Tribe of Indians in Indian Territory? A. No, sir.
- Q. Has she ever been enrolled as a citizen of the Choctaw nation either by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes? A. No, sir.
- Q. Are you married? A. Yes, sir.
- Q. Is your wife living? A. My first wife is dead, and I am living with my second wife.
- Q. Have you children by both wives? A. Yes, sir.
- Q. What was the first wife's name? A. Mollie M. Neal.
- Q. Is she dead? A. She is dead.
- Q. Was she a white woman or a Choctaw Indian? A. A white woman.
- Q. How long has she been dead? A. Three years.
- Q. Where did she die? A. Near Center, Ind. Ter.
- Q. How many children have you by your first wife? A. I have four.
- Q. Are they under age and unmarried? A. Yes, sir.
- Q. What is your second wife's name? A. Fannie Neal.
- Q. Is she living? A. Yes, sir.
- Q. Is she a Choctaw Indian? A. No, sir, she is a white woman.
- Q. Do you make any claim for her? A. No, sir.
- Q. How many children have you under age and unmarried by this wife? A. One.
- Q. Give me the name of your children? A. The eldest one is Tolliver M. Neal.
- Q. How old is he? A. Twenty.
- Q. Next? A. Ella M. Neal.
- Q. How old? A. Fifteen.
- Q. Next? A. Rosa E. Neal.
- Q. How old? A. Twelve years old.
- Q. Next one? A. Ira C. Neal.
- Q. How old is he? A. Nine years old.
- Q. Are these four children by your first wife, Mollie M. Neal? A. Yes, sir.
- Q. They claim Choctaw blood through you and not through her? A. Yes, sir; they claim through me.
- Q. What is the name of the other child? A. Benjamin F. Neal.
- Q. How old is he? A. One year old.
- Q. Who is the mother of Benjamin F. Neal? A. Fannie Neal.
- Q. He is the only child by your second wife? A. Yes, sir.
- Q. You claim for yourself and children? A. Yes, sir.
- Q. Mollie M. Neal, the mother of the first four, is now dead? A. Yes, sir.
- Q. When and where were you married to her? A. In Texas.
- Q. What place and time? A. It was in Burleson county.
- Q. Can you produce proof of the marriage of yourself and your first wife, if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Where were you married to your second wife? A. In the Chickasaw Nation near Center.

- Q. When were you married to her? A. Two years ago the 17th day of August, if I mistake not.
- Q. Were you married by a minister under a license? A. Yes, sir.
- Q. Can you introduce proof of this marriage, if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
- Q. Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
- Q. Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1898? A. No, sir.
- Q. Have you ever made application for citizenship for yourself and children in the Choctaw Nation to any authority whatever before this? A. No, sir.
- Q. Have you ever been admitted to citizenship in the Choctaw Nation with your children by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I could not say that I do fully understand it. I have heard it read and explained several times.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians, and the object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Indians would refuse to go to Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaw Indians who remained article fourteen was drawn up and put into the treaty, and it was afterwards ratified.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a

quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. Do you know if any of your Choctaw ancestors ever complied or attempted to comply with the provisions of that article of that treaty? A. I don't know, if they did.
- Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. My grandmother was named Sarah Lindsay; that was her maiden name.
- Q. Did she live in Mississippi in 1830? A. Yes, sir.
- Q. Do you know in what county she lived? A. In Choctaw county.
- Q. Do you know her husband's name? A. No, he died before my time.
- Q. Was he a Choctaw Indian or a white man? A. He was a white man.
- Q. How much Choctaw blood did your grandmother have? A. She was supposed to be a half blood.
- Q. Did she have a Choctaw Indian name or speak the Choctaw language? A. No, sir; but she may have been able to speak it. I never heard her.
- Q. How old would she be if living now? A. I cannot tell. I suppose along towards a hundred years old. May be ever.
- Q. Was your mother born in Mississippi? A. Yes, sir.
- Q. When did she die? A. Six years ago.
- Q. How old was she when she died? A. Sixty-two years old.
- Q. She would have been 68 if living now? A. Yes, sir.
- Q. Did she have older brothers and sisters? Yes, she had one older brother.
- Q. Do you know how old the oldest would be now? A. No, sir.
- Q. Did any of your ancestors own any improvements in Mississippi in 1830? A. Yes, grandmother's people did.
- Q. Did they receive those improvements from the government? A. I can't tell you; I don't know.
- Q. Did any of your Choctaw ancestors own any lands or claim any lands or improvements in the old Choctaw nation in Mississippi in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors receive any benefits whatever from the government in Mississippi in 1830 under the fourteenth article of the treaty of 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 they wanted to stay, take lands and become citizens of the States? A. I don't know.
- Q. Did any of them go from that old Choctaw nation east of the Mississippi River with other Choctaw Indians who went to the Choctaw nation in Indian Territory between 1833 and 1838 and 1840? A. I don't know.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to Col. Ward, the United States Indian Agent, and tell him that they

wanted to stay, take lands 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". His neglect to make a proper and complete record of all who came before him caused great many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the Government at its public land sales. This caused a good many complaints among the Choctaw Indians, so that in 1837 congress appointed a commission, by an act of March 3 of that year, 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. Both commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830.

- Q. Do you know if any of your ancestors went before either of those commissions and obtained any benefits under article 14 of the treaty of 1830? A. I don't know.
- Q. Do you know if any of your Choctaw ancestors received any scrip from the Government which entitled them to select lands from the Government vacant lands in Mississippi, Alabama, Louisiana or Arkansas in place of those taken and sold? A. Not to my knowledge.
- Q. This scrip was issued under the act of Congress of August 23, 1842. Have any of your relatives been before the Commission to be identified as Mississippi Choctaws? A. I don't know.
- Q. Do you speak the Choctaw language? A. No, sir.
- Q. Is there anything else you want to say now? A. I judge not.
- Q. Have you any other evidence you want to introduce in support of your claim?

Hereof L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application, which will be done in the near future.

Motion granted by Commission.

This applicant has the appearance and physical characteristics of being descended from white parents; she has a fair complexion, blue eyes, and black hair. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on May 10, 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.

S. A. Apple

Subscribed and sworn to before me this 16th day of May, 1902.
Notary Public.

M.C.R. 5530.

Muskegee, Indian Territory, January 2, 1902.

Allen M. Neal,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th ultimo, enclosing a plat of certain lands which you desire to take as your allotment.

You ask to be advised whether you have a right to hold an allotment.

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

No opinion or decision has yet been reached in your case.

As soon as a decision is rendered you will be duly advised 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 children occupy the status of applicants for identification as Mississippi Choctaws, whose rights to such identification have in no manner been determined.

Relative to your right to hold lands in the Choctaw and Chickasaw country your attention is invited to the provision of act of Congress approved July 1, 1902, and ratified by the citizens of

A. M. N. -----2.

the Choctaw and Chickasaw Nations on September 25, 1902, which provides as follows:

"41. 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 fourteen 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 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 this Commission as Mississippi Choctaws entitled to allotment and that yourself and children are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The plat of lands is therefore herewith returned.

Respectfully,

Enc.
RBE 102.

Acting Chairman.

Miss. Choctaw R5538

Muskogee, Indian Territory, June 12, 1902.

A. M. Neal,

Center, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, in which you state that you appeared before the Commission on May 10 of this year as an applicant for identification as a Mississippi Choctaw and were represented by L. P. Hudson; that you have since been informed that Hudson is no longer allowed to represent applicants before the Commission, and you wish to know if the proceedings had by the Commission when you were represented by Mr. Hudson are of record, or if it will be necessary for you to make another application. You also ask how long the Commission will hear applications of this character as you say you have some relatives in Texas who wish to make application.

In reply to your letter you are advised that it appears from the records of this office that on May 10, 1902, Allan M. Neal appeared before the Commission at Muskogee, Indian Territory, and made application for the identification of himself and his minor children, Telliver M., Ella M., Rosa B., Ira C., and Benjamin F. Neal as Mississippi Choctaws. No decision has yet been reached nor opinion

A.M.E. 2

ion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

You are further advised that the Commission will continue to receive and consider applications for identification as Mississippi Choctaws until some date is fixed or agreed upon, terminating the time within which applications of this character can be received for consideration. It is probable that some early date may be fixed or agreed upon, and if you have relatives who desire to make such applications, they should do so as early as practicable.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 8, 1902.

Allen W. Neal,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you state that Pinkney G. Neal, who made application to the Commission for identification as a Mississippi Choctaw on July 26, 1902, has died. You ask to be advised the present status of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In reply, you are advised that a copy of your letter has been filed with the record in the case of Pinkney G. Neal as proof of his death.

The Commission has not up to this time rendered a decision in your case, but is now considering your application, and it is probable a decision will be rendered in the near future when 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.

Respectfully,

Acting Chairman.

H C R 5587
H C R 5536
H C R 5278

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. M. 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 Chestnuts; 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.

Muskogee, Indian Territory, January 21, 1903.

Allan M. Neal,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst., in which you ask certain questions relative to the right of court claimants, citizens and non-citizens, to lease lands. You state that you are an applicant for identification as a Mississippi Choctaw.

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. No opinion or decision has up to the present time been reached in your case, but the Commission is now considering your application and it is probable that a decision will be rendered in the near future when 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 children occupy the status of applicants for identification as Mississippi Choctaws whose rights in such identification have in no manner been determined.

The Commission cannot advise you as to the right of per-

A. H. Seal--2

sons to lease lands which they now hold in the Chester-Chickasaw country; this is a matter which does not come within its jurisdiction.

Respectfully,

Commissioner in Charge.

M O R 5558
M O R 5559

Muskegee, Indian Territory, February 9, 1903.

T. H. Armstrong,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1903, in which you ask to be advised if A. H. Neal, T. L. Neal and Calvin Neal, all brothers, claiming to be Mississippi Choctaws, who are jumping lands in your neighborhood and interfering with prospective allotments of bona fide citizens, are enrolled or have made application as such.

In reply to your letter you are advised that it appears from our records that Toliver L. Neal and Allan M. Neal are applicants to this Commission for the identification of themselves and their minor children as Mississippi Choctaws. No decision has yet been rendered relative to their rights to identification as such Mississippi Choctaws.

You are further advised that it does not appear from our records that Calvin Neal is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

Muskegee, Indian Territory, March 3, 1903.

J. R. Ritter,

Brooklin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, by reference from Commissioner Breckinridge. Therein you state that your wife is a daughter of A. M. Neal who has made application for the identification of himself and minor children as Mississippi Choctaws; that she is unable to appear before the Commission in person, and you ask to be advised how you shall proceed to establish her claim.

In reply to your letter you are informed that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the twenty-first section of the act of Congress approved June 28, 1898, which is as follows:

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

The fourteenth article of the treaty of 1830, above referred to is as follows:

J R R 2

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

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, uses the following language:

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"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."

It would, therefore, be necessary, in order for your wife to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that her ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Com-

J R R 4

mission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

You are further advised that if your wife is unable to make personal appearance before the Commission on account of infirmity, she may, by power of attorney, authorize some near relative to make such application for her. The person making application for her under such power of attorney will be required to file with the Commission the certificate of a reputable physician to the inability of your wife to make personal appearance.

Respectfully,

Chairman.

M C R 5528

Muskogee, Indian Territory, March 20, 1903.

Lula V. Ritter,
Brooken, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of J. N. Ritter, M. D.; marriage license and certificate between James R. Ritter and Luley V. Neal, and a letter written you by A. M. Neal. The same are returned to you herewith for the reason that the Commission requires of applicants for identification as Mississippi Choctaws that they make personal appearance before the Commission for the purpose of examination under oath.

Under the provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

McM 00

Muskogee, Indian Territory, April 20, 1903.

A. M. Neal,
Ganter, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 10, 1903, in which you ask for information in regard to the applications of Jeff D. Neal, John P. Neal, William G. Neal, Allen M. Neal, Toliver L. Neal, Elizabeth A. James and Sarah B. McAnnalla, for identification as Mississippi Choctaws.

In reply to your communication you are advised that it appears from our records that all the persons named in your letter, with the exception of Elizabeth A. James, are applicants to this Commission for identification as Mississippi Choctaws.

The Commission has not up to the present time reached any opinion or decision relative to the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

COPY:

Muskogee, Indian Territory, November 19, 1903.

Allan M. Neal,

Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 5107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marsum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Mollie B. McAnnally, et al.,	M.C.R. 5618
Mary Frances Neal,	M.C.R. 5617

These applications were made under the provision of the act of Congress of June 29, 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."

Allan M. Neal, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis C. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa M. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Maroum, Myrtle L. Maroum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie B. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Tamc Birby
Chairman.

Registered.

H C R 5338

Muskogee, Indian Territory, January 2, 1904.

Allen M. Neal,

Beebe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw, and that the Commission forward to the Department a copy of the argument filed in support of the Mississippi Choctaw case of Pinkney G. Neal, et al.

In reply you are informed that on December 17, 1903, the record in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., of which your application is a part, together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior.

On December 29, 1903, the Commission also forwarded to the Secretary a motion from Garrett, Bingham & Lester, attorneys at law, Tishomingo, Indian Territory, praying for a re-opening of said consolidated case for the purpose of offering further testimony in support thereof.

You will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

M.C.R. 5538

COPY.

Muskogee, Indian Territory, February 17, 1904.

Allan M. Neal,

Center, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th day of January, 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 Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

F. B. Maddies.

Commissioner in Charge.

M.C.R. 5538.

Muskogee, Indian Territory, September 26, 1906.

Allen M. Neal,

Kingston, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised the status of the application made by you for the identification of yourself and family as Mississippi Choctaws. You also request to be advised if you can have lands set aside for you pending final determination of your claim.

In reply to your letter you are informed it appears from the records of this office that on January 28, 1904, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of November 19, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., of which the application for the identification of yourself and minor children is a part.

It does not appear from the records of this office that any motion for reconsideration or review of this case is now pending, and under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 157), the time within which such motions to reopen or reconsider should be received expired June 25, 1906.

The decision of the Department of January 28, 1904, refus-

Allen M. Neal - 2.

ing the applications of the several persons in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., is, therefore, final and the parties to this case will not be permitted to designate any lands as their prospective allotments in the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Allan M. Neal.

Age 48 Blood '18

Post-Office, Center, I.T. -

Father: Stephen Neal - d

Mother: Sarah " d

Claims through mother -
wife - (1) Mollie M. Neal. d.w. 1

wife (2) Fannie " d.w.

No claim for No 2.

Children:

Folliver M. Neal 20

Ella M " 15

Rosa E. " 12

Ira C " 9

Benjamin F " 1

Fannie the mother.

Claims for self &

children. _____

Stenographer S. A. Apple.

Choctaw MCR 5539

Oliver L. Neal

See MCR 6107

MCR 5539

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

M C - 5539 -

In the matter of the application of Oliver L. Neal for the identification of himself and his six minor children, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal and Rita K. Neal, as Mississippi Choctaws.

L. P. Hudson, Attorney, appeared for Applicant.

Oliver L. Neal, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Oliver L. Neal.
Q. How old are you? A. I am forty-four years old.
Q. What is your post office? A. Bebee, Ind. Ter.
Q. How long have you lived there? A. I have lived in Indian Territory twelve years.
Q. How long in Bebee? A. About four years.
Q. Where did you live before that? A. In Texas.
Q. Where were you born? A. In Mississippi.
Q. At what place? A. In Choctaw county.
Q. You moved from Mississippi to Texas and from Texas to Indian Territory? 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. Stephen Neal.
Q. What was your mother's name? A. Sarah Neal.
Q. You claim Choctaw blood through which parent? A. My 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 citizen of the Choctaw Nation? A. No, sir.
Q. Are you married? A. Yes, sir.
Q. Is your wife living? A. Yes, sir.
Q. Is she a Choctaw Indian or a white woman? A. She is a white woman.
Q. What is her name? A. Josephine Neal.

- Q. Do you make any claim for her? A. No, sir.
- Q. Have you any children you want to make application for? A. Yes, sir.
- Q. How many under age and unmarried? A. I have five.
- Q. Give me the name of the oldest? A. Allen Homer Neal.
- Q. How old is he? A. Fourteen years old.
- Q. The next one? A. Josie Isabel Neal.
- Q. How old is she? A. Eleven years old.
- Q. The next one? A. Lucas L. Neal.
- Q. How old is he? A. Nine years old.
- Q. Next? A. Florence Neal.
- Q. How old is she? A. Seven.
- Q. Next? A. Oxford Neal.
- Q. How old? A. Four.
- Q. Next? A. Etta R. Neal.
- Q. How old is she? A. Two years old. Six children.
- Q. Is Josephine Neal the mother of these children? A. Yes, sir.
- Q. Are you and your wife living together as husband and wife? A. Yes, sir.
- Q. Are the children with you at home? A. Yes, sir.
- Q. Have you the proof of your marriage with you? A. No, sir.
- Q. Can you introduce it later if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

- Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
- Q. Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Choctaw tribal authorities or to the United States authorities in the Indian Territory? A. No, sir.
- Q. Have you ever made application to the Dawes Commission for citizenship for yourself and children in the Choctaw Nation under the act of Congress of June 10, 1896? A. No, sir.
- Q. Have you ever before this time made application for citizenship in the Choctaw Nation to any authority whatever? A. No, sir.
- Q. Have you never been admitted to citizenship with your children in the Choctaw Nation by any authority whatever? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A. Yes, sir.
- Q. Do you understand that article of that treaty? A. I have heard it explained a number of times this afternoon. I would like to hear a word or two more on it.

The Choctaw Indians who lived in Mississippi in 1830 made a treaty with the United States in which they agreed to go to Choctaw Nation Indian Territory for certain treaty stipulations. The treaty was made at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, but before the treaty was signed it became known that a great many Choctaw Indians in Mississippi would refuse to go from the old Nation, so article 14 was drawn up and put into the treaty in order to protect the interests of those who remained. The treaty was afterwards, on February 1831, ratified.

Article fourteen reads as follows:

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

- Q. Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A. No, sir.
- Q. Through whom do you claim your Choctaw blood? A. My mother.
- Q. Go back further and give the name of an ancestor older than your mother? A. My grandmother was named Sarah Lindsay.
- Q. How much Choctaw blood did she have? A. I understand she claimed to be a quarter blood.
- Q. Who is Allen M. Neal? He is my brother.
- Q. Was Sarah Lindsay your grandmother? A. Yes, sir.
- Q. How much Choctaw blood did she have? A. I believe it was one-half. I am not positive.
- Q. Has your brother made application to-day? A. Yes, sir.
- Q. Do you want your case and his considered together? A. Yes, sir. I guess so.
- Q. Did Sarah Lindsay live in Mississippi and have a family there in 1830? A. I don't know.
- Q. Did she ever live in the old Choctaw nation in Mississippi or Alabama? A. I do not know.
- Q. Can you give me the names of any of your ancestors whom you know did live in Mississippi or Alabama in 1830? A. No, sir.
- Q. Did any of your Choctaw ancestors own any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A. I don't know.
- Q. Did any of your Choctaw ancestors go from the old Choctaw Nation east of Mississippi River with the other Indian to Choctaw nation, Indian Territory, between 1833 and 1838 and 1840? A. I don't know.
- Q. Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, and tell him they wanted to stay in Mississippi, take lands there and become citizens of the States? A. I don't know.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay, take lands 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 Regis-

ter". His neglect to do this caused a good many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the Government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 congress appointed a commission, by an act of march 3 of that year, which 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 of August 23 of that year, and both commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q. Do you know if any of your ancestors went before either of those commissions and claimed any benefits under article 14 of the treaty of 1830? A. I do not.
- Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana, or Arkansas to take the place of those lands which had been taken from them by the government and sold? A. I don't know.
- Q. This scrip was issued under the act of Congress of August 23, 1842, and was issued to them for the purpose of giving them other lands to take the place of those which the government had taken from them and sold.
- Q. Have you any other evidence you want to introduce in support of your claim?

Hereof L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application in the near future.

Motion is granted by the Commission.

- Q. Is there anything more you want to say now in support of your application? A. I think not.

Examination by L. P. Hudson, Attorney.

- Q. You are a brother of Allen Neal? A. Yes, sir.
- Q. And he is older than you? A. Yes, sir.
- Q. He has a better knowledge of your ancestry than you do, has he not? A. Yes, sir.
- Q. He testified that your grandmother lived in Mississippi and you say you do not know? A. I do not know.
- Q. He would be more apt to know about that than you, would he not? A. Yes, sir.
- Q. His grandmother and yours is the same person, you being brothers? A. Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes, a ruddy complexion, dark hair, nearly black and a brown mustache. He does not understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 10, 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.

S. A. Apple

Subscribed and sworn to before me this 16th day of May, 1902.

Charles Kelamper

Notary Public.

COPY.

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

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In the matter of the application of Pinkney G. Neal, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allen M. Neal, et al.,	M.C.R. 3538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Maroun, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617.

---: 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 Pinkney G. Neal for himself and his three minor children, Klenna
Hayden, David Oliver and Ira Jefferson Neal; by William Calvin Neal
for himself and his minor child, Louis G. Neal; by Allen M. Neal
for himself and his five minor children, Tolliver M., Ella M., Rosa
E., Ira C. and Benjamin F. Neal; by Louisa Ann Elizabeth Jones for
herself; by Tolliver L. Neal for himself and his six minor children,
Allen Hamer, Josie Isabel, Lucas L., Florence, Oxford and Etta R.

Neal; by Almer C. Harcum for herself and her minor child, Myrtle L. Harcum; by Alice Neal for her four minor children, Alfred Jeff Davis, Sarah E., Chary Elizabeth and James Thornton Neal; by Jeff Davis Neal for himself, his four minor children, Myrtle Elizabeth, Sydney Bruce, Ada Belle and John Byron Neal, and his four minor wards, Ula Cass and Mark, Ruth and Ethel Nancy; by John P. Neal for himself and his minor child, Laura Jane Neal; by Sallie B. McAnally for herself, her eight minor children, Florence B., Effie E., Myrtle L., Jennie C., Walter L., Mary H., Malinda A. and Bertha A. McAnally, and her minor nephew, Allen H. West; and by Mary Frances Neal 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."

While the evidence is clear as to the relationship of the several applicants herein, it is very unsatisfactory as to who are the ancestors through whom they claim rights as Mississippi Choctaws, and only by reason of the relationship shown can it be concluded that they are descendants of the same ancestors, the most remote of whom are the maternal grandparents of the principal applicant, Finney G. Neal. The name of this applicant's maternal grandfather is variously given as Starlin Carleton, Carleton Starlin, Calvin Lindsey, Starlin Carleton Lindsey, Calvin William and William Calvin; the name of his maternal grandmother is variously given as Sarah Elizabeth, Sarah Ann, Betsey, Sarah, Betsey and Elizabeth Lindsey (or Lindsay). The applicants in H.C.R. 6107, 6063, 6188, 6444 and 6445 claim that the former was either an one-half or one-quarter blood Choctaw and that the latter was a white person,

while the applicants in H.C.R. 5536, 5539 and 6084 make the reverse claim. The applicants in H.C.R. 6112, 6018 and 6619 do not trace their ancestry as far back as the above named ancestors, simply tracing their descent to the daughter of said persons. In order that every possible right as Mississippi Choctaws which these applicants may be possessed of may be fully adjudicated, the above named persons will be considered as the Choctaw ancestors through whom the 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.

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 Starlin Carleton (or Carleton Starlin, or Calvin Lindsey, or Starlin Carleton Lindsey, or Calvin William, or William Calvin), or Sarah Elizabeth (or Sarah Ann, or Betsy, or Sarah, or Betsy, or Elizabeth) Lindsey (or Lindsey), 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

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rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 130) 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 Findley G. Neal, Elmore Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver N. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Jessie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcus, Myrtle L. Marcus, Alfred Jeff Davis Neal, Sarah E. Neal, Shary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allen H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.
Chairman.

(SIGNED)

T. B. Needles.
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.
COMMISSIONER.

(SIGNED)

W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

NOV 19 1903

Muskogee, Indian Territory, November 28, 1902.

Oliver L. Neal,

Beebe, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that on May 10, 1902, you made application before this Commission for the identification of yourself and your six minor children as Mississippi Choctaws, and at that time stated that your name was Oliver L. Neal. It further appears from the records of the Commission that on July 19, 1902, application was made by Almer C. Marsum for identification as a Mississippi Choctaw, in which application she claimed to be the daughter of Tolliver L. Neal, a resident of Beebe, Indian Territory, and stated that her said father had, prior to that time, made an application for identification as a Mississippi Choctaw, and asked that his testimony be considered in her application.

As the records of the Commission do not show an application made by a person named Tolliver L. Neal, and as your name is similar to that and your postoffice corresponds with the one given by the applicant Almer C. Marsum for her father, it is presumed that you are her father, and in order that the records in these

Oliver L. Neal-----2

two cases may be corrected, in the event that an error has been made in your name, it is desired that you answer the questions in the enclosed affidavit, go before a Notary and swear to same, and return it to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, within fifteen days from this date.

There is also enclosed you an addressed envelope in which you can return the affidavit, without payment of postage.

Respectfully,

Acting Chairman

Enclosure
C.H. 185

H. C. R. 5539

Waskagee, Indian Territory, December 15, 1902.

Oliver L. Neal,

Rebse, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit, offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and the same has been filed with the record in your case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 15, 1903.

Toliver L. Neal,
 Debee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you state that you have located on sections 33 and 34 and that there is a Court claimant who is claiming this land and "wont give it up", and ask how you shall proceed in the matter.

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 your minor children as Mississippi Choctaws. The Commission has not, up to the present 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 your case 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. 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 your right to hold land in the Choctaw-Chickasaw

T.L.Neal---2

Nations, your attention is invited to the following provision in 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 fourteen of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after 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 yourself and children are not at this time entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M O R 5635
M O R 5539

Muskogee, Indian Territory, February 9, 1903.

T. H. Armstrong,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1903, in which you ask to be advised if A. M. Neal, T. L. Neal and Calvin Neal, all brothers, claiming to be Mississippi Choctaws, who are jumping lands in your neighborhood and interfering with prospective allotments of bona fide citizens, are enrolled or have made application as such.

In reply to your letter you are advised that it appears from our records that Toliver L. Neal and Allen M. Neal are applicants to this Commission for the identification of themselves and their minor children as Mississippi Choctaws. No decision has yet been rendered relative to their rights to identification as such Mississippi Choctaws.

You are further advised that it does not appear from our records that Calvin Neal is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

COPY:

M.C.R. 5539

Muskogee, Indian Territory, November 19, 1903.

Tolliver L. Neal,

Bebee, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcus, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6446
Sallie B. McAnnally, et al.,	M.C.R. 6616
Mary Frances Neal,	M.C.R. 6617

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."

Tolliver L. Neal, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Klonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Maroum, Myrtle L. Maroum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John F. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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.

H.C.R. 5539

COPY.

Muskogee, Indian Territory, February 17, 1904.

Toliver L. Neal,

Beebe, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th day of January, 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 Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

T. E. Noodles.

Commissioner in Charge.

M.C.R. 5839.

Muskogee, Indian Territory, September 26, 1906.

Toliver L. Neal,
Beebe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 17, 1906, describing certain land in Section 2, Township 4 North, Range 5 East, which you desire to have set aside as your prospective allotment.

It appears from the records of this office that you are one of the parties applicant in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., in which case the Secretary of the Interior on January 28, 1904, affirmed the adverse decision of the Commission to the Five Civilized Tribes of November 19, 1903.

It does not appear from the records of this office that any motion for review or reconsideration in this case is now pending, and as the time within which such motions could be filed expired June 25, 1906, the Department's action of January 28, 1904, is considered final. Therefore, none of the persons included in said consolidated case will be permitted to designate any lands as their prospective allotments in the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 10 1902

Name Oliver L. Neal.

Age 44 Blood 1/8

Post-Office, Beber, D.T.

Father: Stephen Neal, - d

Mother: Sarah " - d

Claims through mother -
wife Josephine Neal, l.w.
No claim for wife -

Children:

- Allen Homer Neal 4
- Jonie Isabel "F 11
- Lucas L. " 9
- Florence " 7
- Oxford " 4
- Etta R " 2

Claims for self
& children - - -

Secretary S. A. Apple

Choctaw MCR 5540

Katie Roberts

See MCR 3838

MCR 5540

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 18, 1908.

#5840.

-----000-----

In the matter of the application of Katie Roberts for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Katie Roberts being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Katie Roberts; it was Hall before I married.
- Q What is your age? A Twenty-seven; twenty-eight will be my next birthday.
- Q What is your post office address? A Houston.
- Q Texas? A Yes sir.
- Q How long have you lived at Houston? A Four years.
- Q Where did you live before that? A Sherman.
- Q Where were you born? A Grayson County.
- Q Texas? A Yes sir.
- Q Always lived in Texas? A Yes sir.
- Q What is your father's name? A Pat Hall.
- Q Is he living? A No sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Jennie Clawson.
- Q Well is that her name now? A Yes sir.
- Q Has she made application for identification as a Mississippi Choctaw? A Yes sir, she has been identified.
- Q She has been before the Commission? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q How much Choctaw blood do you claim? A I think about a seventh or eighth; I don't know just exactly how much my great-grandfather was.
- 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 by the United States authorities in the Indian Territory? A No sir, she hasn't.
- Q Your husband is living? A Yes sir.
- Q What is his name? A John Roberts.
- Q Is he an Indian or is he a white man? A No sir, he's a white man.

#2.

- Q You make no claim for him? A No sir.
- Q Have you any children that you want to make application for?
A No sir.
- Q Just for yourself? A No sir, my husband has a little boy.
- Q But he is a white man? A Yes sir.
- Q And you don't claim that his child has any Indian blood?
A No sir, I don't.
- 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 been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory?
A No sir.
- Q Have you ever made application either to the Choctaw tribal authorities for citizenship in the Choctaw Nation or 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 that you have ever made for enrollment as a Choctaw citizen to either the Choctaw tribal authorities or the United States authorities? A Yes sir, this is the first.
- 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, I don't.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th day of September of that year. The treaty was made for the purpose of removing as far as practicable all of 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 good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory under the treaty, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. It then became ratified after it was signed. 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 in-

prevention of the head of the family, or a portion 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."

That is article fourteen of the treaty of 1830 which was put in for the especial benefit of Mississippi Choctaw claimants.

- Q Did any of your ancestors comply or attempt to comply in any way with the provisions of that article? A I couldn't say.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Dorcas Nichols my great-grandmother.
- Q How much Choctaw blood did she have? A Well now really I can't say but she resembled a Choctaw very much.
- Q You have seen her? A Oh, yes sir.
- Q Do you know when she died? A Been dead ten or twelve years.
- Q How old was she when she died? A Must have been eighty some odd.
- Q Did she live in Mississippi in 1830? A I don't know that she lived there then or not, but she has lived there.
- Q She lived there? A Yes sir.
- Q Can you give the name of any Choctaw ancestor who lived in the old Choctaw Nation either in Mississippi or Alabama in 1830, and were the heads of families there then? A No sir, I couldn't.
- Q You don't know whether she was the head of a family in Mississippi in 1830? A No sir, I know that she lived there.
- Q But you couldn't say that she lived there in 1830? A No sir.
- Q You claim through your mother, and she is how old now?
- A My mother is sixtysome odd.
- Q Where was she born? A I think she was born in Mississippi pretty sure she was.
- Q She claimed through which parent; father or mother? A Mother.
- Q And her mother's maiden name was what? A Louisa Nichols.
- Q Daughter of Dorcas Nichols? A Yes sir.
- Q Then you think that the probability is that Louisa was living in Mississippi in 1830 and Dorcas had at least that one child there at that time? A Yes sir.
- Q You are not quite positive? A Well, that is all the children that she had, just this one daughter.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know; I think she did.
- Q Do you know--would you have any idea where the improvements were and what they were or what they were? A No sir, I just heard them speak of it in the family.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Why this grandmother owned the land.
- Q Dorcas Nichols? A Yes sir.
- Q She had land? A Yes sir.

#4.

- Q Did she get it from the government? A I couldn't say.
- 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 or '40?
- A I don't know.
- Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
- A I don't know that either.

The Choctaw Indians who stayed back there in the old Choctaw Nation east of the Mississippi river refusing to go to the Choctaw Nation, Indian Territory, with the other Indian under the treaty of 1830, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after 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 his neglect 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 sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission, under an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors appeared before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of the treaty?
- A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which enabled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they occupied in Mississippi and which the government had taken from them and sold? A I don't know; I don't know anything about that.
- Q What is the name of your mother? A Jennie Clawson.
- Q And she has been here, has she not? A Yes sir, all the family have been except me.
- Q Who is the principal member of your family through whom you are all claiming? A This great-grandmother Mrs. Nichols--Doreas Nichols.
- Q Samantha J. is the same as Jennie Clawson that you gave?
- A Yes sir.

Samantha J. Clawson is here referred to as the mother of this applicant, who made an application for herself and others

for identification as Mississippi Shootaws, M C R 2436.

- Q Have you any brothers or sisters? A Yes sir, I have two brothers and two sisters.
- Q Are they of age? A Yes sir.
- Q What are your two brothers names and where are they located?
- A They are both in Sherman; one is Jim and the other is John.
- Q Jim and John Nichols? A No, Hall.
- Q Both living in Sherman, Texas? A Yes sir.
- Q They are married? A One of them is married---Jim.
- Q Can you give me the names of his children? A He has no children.
- Q Now give me the name of your oldest sister? A Pattie Elean.
- Q She married? A Yes sir.
- Q What was her husband's name? A Gus Elean.
- Q And she lives where? A In Sherman.
- Q Now the other sister's name? A Mary Hall.
- Q She isn't married? A She's single.
- Q And lives where? A Sherman.
- Q That is all of your brothers and sisters? A I have one half brother.
- Q What is his name? A Willie Clawson.
- Q Does he claim through his mother? A Well I don't-----yes sir.
- Q Is he of age? A No sir.
- Q Now can you give me the names of your mother's brothers or sisters? A Yes sir, Marion Dyer.
- Q Where does she live? A That's a boy-----man.
- Q Where does he live? A I suppose he lives at Trenton, Texas.
- Q Is he married? A Yes sir.
- Q Has he made application? A No sir, not that I know of.
- Q Any other relatives? First her own brothers and sisters?
- A Will Dyer.
- Q He lives where? A Whiteright.
- Q Texas? A Yes sir.
- Q Is William married? A Yes sir.
- Q Has he any children? A Yes sir.
- Q Could you name them? A I don't believe I could; I could name some of them.
- Q Name any that you think of? A Joe Dyer.
- Q Any others? A Dercas.
- Q Any others? A Bettie, Prudie, and Georgia; and there is a John and a Ben and a Tom, I believe that's all; and a Grace; I think that's all; I don't know.
- Q What is the name of the next uncle; his name is John?
- A Yes sir.
- Q Is he married? A Yes sir.
- Q Can you name his children? A I can name two or three of them, Don.
- Q How old is Don? A I think he is about nineteen or twenty.
- Q And the next? A Della.
- Q Is she married? A No sir, none of them are married; and Jessie.
- Q And she's how old? A Oh, I think-----I couldn't say.
- Q The next? A That's all I know.

- Q Where does John live? A He lives at Ida, Texas.
- Q Now do you think of any other relative of your mother---brother or sister? A Well, she has three sisters?
- Q And their names are what? A Mary Dyer, but she has the same name as her maiden name.
- Q Her husband's name is what? A Dyer. I don't know his given name.
- Q Where do they live? A Kentuckytown. She has no children.
- Q The next sister after Mary Dyer? A Ara Brown.
- Q That is her married name? A Yes sir.
- Q And her husband's name is what? A Egbern Brown.
- Q And they live where? A Kentuckytown.
- Q In Texas? A Yes sir.
- Q Now have they any children? A Two---two girls.
- Q Could you give their names? A I know them---Gertie and---
- Q How old is Gertie? A I think she is abo ut fourteen or fifteen.
- Q And the next? A Myrtle.
- Q Do you know how old she is? A She's about sixteen.
- Q The next? A That's all; well, there's another sister.
- Q Of your mother? A Yes sir, Hattie Savage.
- Q What is her husband's name? A Tommy.
- Q What is the names of their children? A Bertie.
- Q How old is Bertie? A I guess he's about twenty-three or four.
- Q Is that all the children of them? A Then comes Vernon, he's about twenty-one, and Clem.
- Q About how old? A I guess he must be about nineteen; and Ruby, and that's all.
- Q These are all the children of your mother's sister? A Yes sir
- Q And her name is what? A Hattie Savage.
- Q That is her present married name? A Yes sir.
- Q And she's living where? A Sherman.
- Q Is her husband a white man or does he claim to have any Indian blood? A Why they claim to have Indian.
- Q Her husband? A Yes sir.
- Q Do you know what kind of Indian blood? A No sir, I don't.
- Q Well I guess that's about all the relatives? A That's all that I can think of.
- Q Have you any evidence that you want to introduce now in support of your claim? Any documents of any kind? A No sir.
- Q Do you care for any time in which to introduce other testimony if you should want to? A Why I wouldn't mind having reasonable time.

Reasonable time will be allowed this applicant in which to introduce other testimony if she desires in support of this claim.

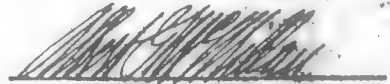
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything here you want to say in support of this claim that you can think of? A No sir.
- Q Would you like to have this case of yours consolidated under the head of your mother's case, and other relatives also claiming through the same common ancestor? A Yes sir.

47.

- Q How do you think you look like an Indian? A Well, I have been told I do; I don't know whether I do or not; it used to make me awful mad.
- Q Is your hair black? A It was until I went to the coast and bleached it.

This applicant has the appearance and physical characteristics of being descended from white parentage, her complexion is dark, brown eyes, and dark brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 18th day of May, 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.



Subscribed and sworn to before me this 21st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

N O K 0000

Muskogee, Indian Territory, July 21, 1908.

Katie Roberts,
 Houston, Texas.

Dear Madam:

You are hereby advised that on the first day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha J. Glawson, et al., embracing the following applications for identification as Chickasaw (Shootees):

Samantha J. Glawson, et al.,	N O K 3030
Fattie Glawson, et al.,	N O K 3031
James W. Hall,	N O K 3032
Katie Roberts,	N O K 3033
John Hall,	N O K 3034
Mary S. Hall,	N O K 3035

These applications were made under the provision of the act of Congress of June 24, 1906, (34 Stat., 498) which is as follows:

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

Said decision concludes as follows:

2

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha J. Glawson, Willie Glawson, Fannie Sloan, Patrick Jefferson Sloan, James W. Hall, Katie Roberts, John Hall, and Mary E. Hall, as Choctaw Indians entitled 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 records in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

W.O.B.

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

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 5840

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1903.

Katie Roberts,
Houston, Texas.

Dear Madam:-

You are hereby notified that on the 6th 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 Samantha J. Clawson, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Acting Chairman

For Identification as a Mississippi Choctaw.

Date MAY, 12, 1902

Name Katie Roberts.

Age 27 Blood 1/8 (?)

Post-Office, Houston, Tex.

Father: Pat Hall, d

Mother: Jennie Clawson, b. L.

Claims through mother -

Husband, John Roberts - L.W.

No claim for husband.

~~Other:~~

Claims for self alone.

Stenographer A. G. McMillan

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

FILED

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W.C.N. 5040

Katie Roberts,
Houston, Texas.

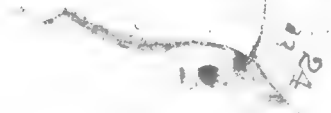
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Choctaw MCR 5541

Inez G. Curley

See MCR 41

MCR 5541

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 12, 1902.

#6641.

-----000-----

In the matter of the application of Inez S. Gurley for the identification of herself and her minor child, David Horton, as Mississippi Choctaws.

L. P. Haisen attorney for applicant.

Inez S. Gurley, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Inez S. Gurley.
Q What is your age? A Twenty-five years.
Q What is your post office address? A Sacred Heart.
Q Indian Territory? A Yes sir.

(U. S. Official Postal Guide for 1902 shows no such place as Sacred Heart, Indian Territory, but does show Sacred Heart, Oklahoma, Territory)

- Q How long have you lived there? A I have been there about twelve years.
Q How long have you lived in the Territory? A I have lived at Sacred Heart about twelve years; I have lived in the Territory about thirteen years.
Q Where did you live before you came to the Territory? A In Missouri, Ft. Smith.
Q Were you born at Ft. Smith? A Yes sir.
Q Born in Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim your Choctaw blood, father or mother? A Father.
Q What was your father's name? A Ben Cunningham.
Q What is your mother's name? A Mary Cunningham; Mary Marley they called her.
Q She's married again? A Yes sir.
Q She married a man named Marley? A No sir, she married a man named Hayes.
Q How her name is Mary Marley Hayes? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Have you the proof of the marriage of your father and mother with you now? A No sir.
Q Do you know when and where they were married? A No sir.

Q Can you introduce that proof later if given time? A My father and mother?

Reasonable time will be allowed for that purpose.

- 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 the Indian Territory? A I don't know.
- Q What is your husband's name? A Pete Gurley.
- Q Is he living? A Yes sir.
- Q White man? A No sir.
- Q What is he? A Half breed Pottowatomie, Sac and Fox.
- Q You do not make any claim for your husband? A No sir.
- Q Have you any children you want to make application for? A Yes sir.
- Q You just have one child and that's your child by another husband? A Yes sir.
- Q Then you have no children now living by your present husband, Pete Gurley? A No sir.
- Q He's your second husband is he? A Yes sir.
- Q What is the name of your child, the one now living? A David Larten.
- Q How old is that child? A Three years old.
- Q What is the name of the father of this boy David? A David Larten.
- Q His name is David too? A Yes sir.
- Q Is he living now? A No sir.
- Q When did he die? A He died---it's been three years ago.
- Q Did he have any Choctaw Indian blood? A No sir.
- Q Was he a white man? A No sir, Pottowatomie Indian.
- Q You claim for yourself then and your minor child David Larten do you? A Yes sir.
- Q You have no children by your present husband Pete Gurley? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and this minor child 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 18, 1897? A No sir.
- Q Have you ever before this time made application for enrollment as a Choctaw citizen in the Choctaw Nation to any authority whatever? A No sir.
- Q This is the first application you have ever made? A Yes sir.
- Q You never have been enrolled as a Choctaw Indian by any authority? A No 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 1867? A Yes sir.
- Q Do you understand that article of that treaty? A Which?
- Q Do you understand it? A No sir.

The treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830. It was made for the especial purpose of the removal of all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and therefore, in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. 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 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 do you know?
- A Any of my sisters?
- Q Any of your ancestors? A Yes sir.
- Q Do you know they did? A I don't know only just what I heard.
- Q How what have you heard about any of your kinfolks or ancestors ever complying with article fourteen of the treaty of 1830; don't you know? A No sir.
- Q What is the name of your ancestor that you are claiming through?
- A Sir?
- Q What is the name of this ancestor that you are claiming through; who do you claim through, grandfather or great-grandmother?
- A Great-grandmother.
- Q What was her name? A Her name was---I forget.
- Q You are sure it is great-grandmother are you? A Yes sir.
- Q But you don't think of the name? A No sir.
- Q You don't recall the name now? A No sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi, or any of your Choctaw ancestors ever live in Mississippi? A I don't know.
- Q You never heard that any of them lived in Mississippi or Alabama in 1830 and had a family of children living with them there at that time? A Yes sir.

- Q Well a little while ago you said that you never heard that they did live in Mississippi; now you said that you heard that they did live in Mississippi or Alabama and was the head of a family there then; are you sure you know that? A Why I heard they had been living in Mississippi.
- Q Did you hear that your great-grandmother lived in Mississippi and was the head of a family in Mississippi in 1830, seventy-two years ago? A Yes sir.
- Q You heard that in the family did you? A Yes sir.
- Q Who told you do you know? A Mr. Dunn.
- Q Who is he? A Lawyer Dunn.
- Q He isn't related to you is he? A Yes sir.
- Q What Dunn is this? A John H. Dunn.
- Q Has he made application to be identified as a Mississippi Choctaw? A Yes sir.

To attorney Hudson:

- Q What is the name of this case under which this is to be consolidated? A John H. Dunn et al.

To the applicant:

- Q What relation is John H. Dunn to you? A Cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.
- 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 No sir.

By attorney Hudson:

- Q Do you know about that? A No sir, I don't know.

By the Commission:

- 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, Solomon Ward, and tell him 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 see any improvements on land in the old Choctaw Nation east of the Mississippi river in 1837? A I don't know.
- Q Did any of your Choctaw ancestors receive any benefits of any kind under article fourteen of the treaty of 1830? A I don't know.

In 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 3rd of that year, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed one in 1837,

#5.

and the other in 1842, to hear Mississippi Choctaw claimants who claimed that they had been to Colonel Ward's office in Mississippi in 1831, within six months from the ratification of the treaty of 1830, and attempted to register their names with him under article fourteen of the treaty of 1830, but that he neglected to put their names upon his list, and as a result they lost land which they held in Mississippi; the government took it from them and sold it.

- Q Do you know if any of your Choctaw ancestors went before the Commission of 1837 or 1842 and claimed any benefits as Choctaw Indians? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you want to have your case consolidated with the case of John H. Dunn et al., claiming through the same common ancestor? A Yes sir.

The case of John H. Dunn et al., M C R 42 is here referred to for the purpose of consolidation.

Thirty days time will be allowed this applicant in which to furnish other proof if she desires in support of this application.

- Q What blood do you claim; you claim one-sixteenth Mississippi Choctaw blood do you? A Yes sir.
- Q Do you claim any other Indian blood? A No sir.
- Q You think you have got that amount of Choctaw blood do you? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry being composed of white and Indian blood which she claims is Mississippi Choctaw Indian; her hair is black and coarse typical Indian hair, features of an Indian, dark complexion and black eyes; she claims one-sixteenth Choctaw blood and would look as if she had that, if not more, at least she says it is Choctaw.

- Q You do not understand the Choctaw language? A No sir.

She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert C. Hamilton, being first duly sworn, states that as stenographer to the court in the case of John J. Hamilton vs. John J. Hamilton and in the above entitled case on the 21st day of May, 1904, that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said case at said date.

[Handwritten signature]

Subscribed and sworn to before me this 21 day of May, 1904.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, February 17, 1903.

Inez G. Curley,

Sacred Heart, Oklahoma.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Colclasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mollie C. Little, et al.,	M.C.R.	5869
William H. Dunn, et al.,	M.C.R.	5015
Henry B. Dunn, et al.,	M.C.R.	4998
John H. Fraley, et al.,	M.C.R.	5894
William A. Fraley, et al.,	M.C.R.	5915
Ida P. Moore, et al.,	M.C.R.	5896
Mollie J. Ferrymore, et al.,	M.C.R.	5899
John Fraley, et al.,	M.C.R.	6053
George W. Fraley,	M.C.R.	6084
Martha M. Thomas, et al.,	M.C.R.	4824
William Thomas,	M.C.R.	4826
Milton Thomas,	M.C.R.	4837
George M. Thomas,	M.C.R.	4838
William Beem, et al.,	M.C.R.	4678
McLelland Beem,	M.C.R.	4833
Jenettie M. Lathrum, et al.,	M.C.R.	4835
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Curley, et al.,	M.C.R.	5841
Ob Dunn, et al.,	M.C.R.	5874
Artem H. 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

Inez G. Curley,-2

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 Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bus 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, Jehnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icill Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Lorton 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

Yess G. Curley, -3

the applications made by John H. Dunn for the identification of his wife, Nellie Dunn, and by Nellie G. 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 matter, and that at the expiration of said term the papers so presented together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 27, 1904.

Mrs G. Gurley,

Sacred Heart, Oklahoma Territory,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1904.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name Inez G. Curley

Age 25 Blood 1/16

Post-Office, Sacred Heart, d, T.

Father: Ben Cunningham, d

Mother: Mary Marley Hayes l.

Claims through father -
Husband (2)

Pete Curley, l. ed

full blood Indian
no choctaw

(Pottowatomie & 1/2 & 7/8)
No claim for husband -

Children:

David Larton, 3.

App's child by her 1st
husband

David Larton (d) _____
(Pottowatomie)

Claims for self
& child -

Choctaw MCR 5542

Nevada K. Ellis

by

Martha S. Ellis

MCR 5542

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

In the matter of the application for the identification
of Nevada K. Ellis, et al., as Mississippi Choctaws, N. C. N.
8542.

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

	Page
Original application of Martha S. Ellis for the identification of her six minor children as Mississippi Choctaws	1
Decision of the Commission refusing the application for the identification of Nevada K. Ellis, et al., as Mississippi Choctaws	7

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 12th, 1902.

#5542.

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In the matter of the application made by Martha S. Ellis for the identification of her six minor children, Nevada K., Charlie K., G. B., Alva C., Albert A., and Wesley W. Ellis, as Mississippi Choctaws.

L. P. Hudson attorney for applicants.

Martha S. Ellis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha S. Ellis.
Q What is your age? A Thirty-nine.
Q What is your post office address? A Center, Indian Territory.
Q How long have you lived there? A Well I have lived there off and on a right smart while; I would go off just a little piece and more back.
Q In the neighborhood you have lived there ten or twelve years or more? A I have lived in the neighborhood of Center something near eleven years.
Q How long have you lived in the Territory altogether?
A I have been in the Territory something near twenty years.
Q Where were you born? A I was born in Mississippi.
Q What place in Mississippi? A Tallahatchie County.
Q Did you go from Mississippi to the Indian Territory?
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 My father was named Bailey. R. F. Bailey was his initials.
Q And your mother's name was what? A Nancy L. Bailey.
Q Do you claim through your father or mother? A I claim through my husband; I don't claim for myself, I claim for my minor children.
Q You are a white woman? A Yes sir.
Q These children are living with you at your home? A Yes sir.
Q How many minor children have you got? A Six.

By attorney Edison:

Q Your husband is dead? A My husband's dead.

By the Commission:

Q What are the names of these six minor children for whom you make application, beginning with the oldest?

(Names and ages read from memorandum slip by attorney for the applicants.)

A Nevada K. Ellis, sixteen.

Q Is that right Mrs. Ellis? A Nevada K. Ellis, sixteen, yes sir, that's right.

By attorney: Charlie E. Ellis.

Q What is the age? A Fifteen.

Q Is that right, Mrs. Ellis? A Yes sir.

Q Now the next? A G. B. Ellis.

Attorney to the applicant:

Q Now what is that name? A That's all the name he has.

Q G. B. is eleven years old isn't he Mrs. Ellis? A Yes sir.

By the Commission:

Q Is that right, Mrs. Ellis? A Yes sir.

Q Now the next? A Alva G. Ellis, ten.

By the applicant: Yes sir, that's right.

Q The next? A Albert A. Ellis.

Q Age? A Age seven.

By attorney:

Q That's correct is it, Mrs. Ellis? A Yes sir.

By attorney: Wesley W. Ellis, age six.

By the Commission to applicant:

Q Is that right? A Yes sir.

Q These are all children of your deceased husband are they?

A Yes sir.

Q How much Chester blood do you claim for these children?

A About a fourth or an eighth I guess.

By attorney:

Q What was their father, Mrs. Ellis? A He was something near a half or fourth; I couldn't tell you exactly.

By the Commission:

- Q What was the name of the father of these children? A Wesley Ellis.
- Q How much Choctaw blood did he have? A About a half or a fourth I guess.
- Q How do you know which? A No sir, I don't know exactly which.
- Q How long has he been dead? A He's been dead five years.
- Q Where did he die? A He died up close to Center.
- Q Indian Territory? A Yes sir, Chickasaw Nation.
- Q You claim Choctaw blood for these children do you through their father Wesley Ellis? A Yes sir.
- Q You, yourself, don't claim any? A I don't claim any.
- Q Do you know about how much Choctaw blood you claim for these children? A Well I don't know exactly how much he was.
- Q You do not care to state then? A No sir.
- Q Has the father of these children, Wesley Ellis, 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 I don't know.
- Q Well, you never heard that he was? A No sir, I don't know.
- Q These children have never been enrolled have they? A No sir.
- Q Has any application or attempt been made to enroll them as Choctaw Indians by going to the Choctaw tribal authorities and making application? A I don't know.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority whatever; have they ever been admitted, these children? A No sir, I don't know exactly; I don't think they ever have.
- Q Has application ever been made for these children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1897? A No sir.
- Q This is the first application anybody has ever made for these children is it? A First that I know of.
- Q Do you now come before the Commission to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the Choctaw tribe of Indians and the United States government at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of that year 1830. It was made for the especial purpose of removing as far as possible all of the Choctaw Indians who lived in Mississippi and Alabama 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 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. The treaty was then signed and afterwards ratified. It reads as follows:

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

- Q How do you know if any of the ancestors of these children complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't know.
- Q You think you understand that article sufficiently well enough to claim under it for these children; you understand the general meaning of it don't you? A I don't know.
- Q Well do you want any further explanation of it; you know the treaty of 1830 was made to get the Indians away from Mississippi and get them into the Indian Territory; you understand that don't you? A Yes sir.
- Q And some Indians refused to go? A Yes sir.
- Q Those Indians who refused to go could stay in Mississippi and take land there if they wanted to, but in order to get a title to that land they had to go to the United States Indian Agent, within six months from that treaty was ratified, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. If they did that they could take land in Mississippi; now you understand that do you not? A Yes sir.
- Q What is the name of the father of your deceased husband Wesley Ellis? A Emerson Ellis.
- Q And what was your deceased husband's mother's name? A Ruthie Ellis.
- Q Which of these parents had the Choctaw blood? A The Ellis'.
- Q Emerson Ellis? A Yes sir.
- Q How much did he have? A I don't know.
- Q Was Ruthie white? A Yes sir.
- Q Have these children lived with you and been supported by you ever since their father died? A My children?
- Q Yes? A Yes sir.
- Q You are their natural guardian and have charge of them? A Yes sir.
- Q What is the name of the ancestor of these children through whom they claim their right--their Choctaw blood; I mean now go back as far as you can? A I can't go back any farther than their grandfather.

- Q You cant go back any farther than Emerson Ellis is that right?
 A Yes sir.
 Q How much Choctaw blood did he have? A I don't know.
 Q Did Emerson Ellis ever live in the state of Mississippi?
 A Yes sir.
 Q Did he live there in 1830, seventy-two years ago?
 A I don't know exactly, how long ago it has been.
 Q Do you know whether he or any of the Choctaw ancestors of these children lived in the old Choctaw Nation in 1830 and was the head of a family--had children there then? A I don't know.
 Q Do you know of anybody who would be likely to know of that fact?
 A I don't know.
 Q Did any of the Choctaw ancestors of these children own any improvements on land in Mississippi or Alabama in 1830?
 A I don't know.
 Q Did any of the Choctaw ancestors of these children, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.
 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 1835 and 1838? A I don't know.
 Q Did any of the Choctaw ancestors of these children own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830?
 A I don't know.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian Agent, Colonel Ward, at his office in Mississippi, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. This they were required to do within six months after the ratification of the treaty. A good many Indians did this whose names Colonel Ward failed to put upon his register. This caused a good many Indians who had land in Mississippi and upon which they had improvements, to lose both the land and their improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830, and a similar Commission was appointed for the same purpose in 1842.

- Q Did you ever hear that any of the Choctaw ancestors of these minor children ever went before either of these Commissions and claimed any benefits as Choctaw Indians? A I don't know.
 Q Did any of the Choctaw ancestors of these children receive any certificates or scrip from the government of the United States which enabled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they formerly held in the Choctaw Nation in Mississippi and Alabama and

#6.

which the government had taken from them and sold? Did you ever hear it? A No sir.

- Q Have you any relatives who have been before the Commission before this application made by you to-day? A I don't know.
Q Don't know of any kinfolks? A No sir, I don't know.
Q None of the kinfolks of these children have been here to make application? A No sir, I don't know.
Q Have you any other evidence that you want to introduce now in support of this claim; anything you want to say or state?
A I don't want to say anything.
Q Do you want any time in which to introduce other testimony?
A Yes sir.

Thirty days time will be allowed this applicant in which to introduce further testimony or evidence if she desires in support of this application.

- Q Do any of these children, or did their father, understand the Choctaw language? A I don't know.
Q Well the children don't do they? A Sir?
Q They don't talk Choctaw do they? A No sir.
Q And you never heard their father? A No sir.
Q What is the name of this little boy here? A Wesley.
Q Well now are the other children black eyed like him?
A Yes sir, they are all dark eyed.
Q His eyes are very dark? A Well some of them get blacker eyes than he.
Q How about their hair? A Black.
Q All of them? A Well, there's two that's not quite as dark.
Q All dark? A One has kinda brown eyes; all the children favors

One of the children of this applicant, Martha S. Ellis, who appears in behalf of her children claiming through their father, named Wesley is here at this examination before the Commission and he has dark brown hair and very dark black eyes and dark skin which may be due somewhat to exposure to the weather, but he is a dark child and the mother says that some of the other children are darker and one or two lighter.

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 12th day of May, 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 21 day of May, 1902.

Charles W. Sawyer

Notary Public.

L. D.
C. W.

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

In the matter of the application for the identification
of Nevada K. Ellis, et al., as Mississippi Choctaws, K. C. R.
1848.

DECISION.

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Martha B. Ellis for her six minor children, Nevada K., Charlie
L., St. B., Alva O., Albert A. and Wesley W. Ellis, under the fol-
lowing provision of the act of Congress approved June 25, 1898,
(30 Stat., 499):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and 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 Moseen Ellis, who is alleged to have been a
Cheetaw Indian, (degree of blood unknown).

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 Cheetaw tribal authorities as a member of the Cheetaw tribe,
or admitted to Cheetaw citizenship by a duly constituted court or
committee of the Cheetaw Nation, or by the Commission to the Five
Civilized Tribes, or by a decree of the United States Court in
Indian Territory under the provisions of the act of Congress ap-
proved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence of-
fered 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 Moseen Ellis
signified (in person or by proxy) to Colonel Wm. Ward, Indian
Agent, Cheetaw Agency, an intention to comply with the provisions
of said article fourteen or presented a claim to rights thereunder
to either of the Commissions authorized to adjudicate such claims by
the acts of Congress approved March 3, 1837, (5 Stats., 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-

Myrtle K. Ellis, Charles E. Ellis, G. B. Ellis, Alice C. Ellis,
Albert A. Ellis, and Wesley V. Ellis as Cheatew Indians entitled
to rights in the Cheatew lands under the provisions of said arti-
cle fourteen of the treaty of eighteen hundred and thirty, and
that the application for their identification as such should be
refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

ACTING CHAIRMAN.

(SIGNED).

T. B. Needles.

COMMISSIONER.

(SIGNED).

C. R. Breckinridge.

COMMISSIONER.

Waskagee, Indian Territory,

NOV 20 1902

M.C.R., 8542.

COPY.

Waskage, Indian Territory, November 20, 1902.

Nevada K. Ellis,

Center, Indian Territory.

Dear Madam:

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 Nevada K. Ellis, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nevada K. Ellis, Charlie E. Ellis, O.E. Ellis, Alva C. Ellis, Albert A. Ellis, and Wesley W. Ellis as Choctaw Indians entitled 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. K. Ellis, —

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.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 20, 1902.

Manfield, McMurray & Uernish,

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 Nevada K. Ellis, 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 Nevada K. Ellis, Charlie E. Ellis, G. B. Ellis, Alva O. Ellis, Albert A. Ellis, and Wesley V. Ellis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the

M. H. & Co. ---2

expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

THOMAS

Thomas D. Ditty

Acting Chairman.

COPY

Muskogee, Indian Territory, December 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nevada K. Ellis, 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,

Tames Dixie
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5842

C O P Y

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Washington Feb. 11, 1903

Land

73221- 1902

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Martha S. Ellis, for her six minor children, Nevada K., Charlie E., G. B., Alva O., Albert A., and Wesley W. Ellis, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th Article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Emerson Ellis, who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830, through his son Wesley Ellis.

The Commission rejected the applicants November 20, 1902, because the names of their ancestors through whom they claim did 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, themselves, had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made

in reference to Emerson Ellis and his son Wesley Ellis, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, neither does it appear that they applied to the Commission appointed under Acts of March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513) for an adjudication of their rights as Choctaw Indians, if they had such rights.

It is therefore, the opinion of this office that the decision of the Commission rejecting the parties hereto is correct, and it is recommended that their decision be approved.

Very respectfully,

Commissioner

C.T.C.

L.

C O P Y

D.C. 6144

DEPARTMENT OF THE INTERIOR

FILED

ITD. 1586- 1903

WASHINGTON

March 2, 1903

L.R.S.

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

Gentlemen:

December 6, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Martha S. Ellis for her minor children, Nevada K., Charlie E., G. B., Alva O., Albert A. and Wesley W. Ellis, including your decision of November 20, 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 Emerson Ellis, 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 Emerson Ellis complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513)

The Acting Commissioner of Indian Affairs reporting February 11, 1903, recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record and hereby affirms the same.

Respectfully,
(Signed)

Thos Ryan
Acting Secretary

1 inclosure

For Identification as a Mississippi Choctaw.

MAY 12 1902

Date

Name Martha S. Ellis. (w)
for 6 minors

Age 39 Blood white

Post-Office, Center, I. T.

Father: R. F. Bailey, M.S.E. d

Mother: Nancy L. M.S.E. d

Claims through for 6 minor children -
Emerson Ellis } Parents of
Ruthie " " } Wesley Ellis,
deceased

Children:

- Nevada K. Ellis, 16
- Charlie E. " 15
- G. B. Ellis " 11
- Alva O. " 10
- Albert A. " 7
- Wesley W. " 6
- father, Wesley Ellis, d. $\frac{1}{2}$ or $\frac{1}{4}$
- mother, Martha S. "

claims for these minor children -

Choctaw MCR 5543

Cora V. Jones

MCR 5543

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

In the matter of the application of Cora V. Jones, et al.,
for identification as Mississippi Choctaws, M.C.R. 6543.

List of papers forwarded to the Secretary of the Interior
embracing the record in the case of Cora V. Jones, et al.,

	(Page)
Original application of Cora V. Jones, et al., before the Dues Commission for identification as Mississippi Choctaws.....	1
Photographs of Liane Seybold.....	2
Tintype of John Lehigh Seybold.....	3
Decision of the Commission refusing the application of Cora V. Jones, et al., for identification as Mississippi Choctaws.....	4

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 12th, 1902.

#5843.

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In the matter of the application of Cora V. Jones for the identification of herself and her minor child, Theo Jones, as Mississippi Choctaws.

L. P. Hudson attorney for applicants.

Cora V. Jones being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Cora V. Jones.
Q Are you married? A Yes sir, I am a widow.
Q Have you any minor children? A I have one and two minor sisters.
Q Well the two minor sisters; are they living with you?
A I take the lead; my mother is a widow and I take the lead at home.
Q You have then one minor child? A Yes sir.
Q Have any relatives of yours been before the Commission?
A I don't know.
Q What is your age? A Thirty.
Q What is your post office address? A Center.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A Four years.
Q How long have you lived in the Indian Territory? A About eleven years.
Q Where did you live before that? A We lived in Texas before we came to the Territory.
Q Where were you born? A In Illinois.
Q And from there you went to Texas? A Yes sir.
Q Where in Illinois were you born? A Central part.
Q Your father living? A My father's dead.
Q Your mother living? A Yes sir.
Q Who do you claim through? A My father's side.
Q What was his name? A J. R. Seybold.
Q What is your mother's name? A Given name?
Q Yes sir? A Amanda Seybold.
Q Your mother isn't married again? A No sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A I don't know that he has.

#2.

- But he was always recognized by the Indians as an Indian.
- Q He was in the neighborhood? A Yes sir, he was getting ready to prove up his right when he died.
- Q And he died when? A In 1891; we resided in Ardmore; he died in Ardmore.
- Q Have you any children that you want to make application for? A I just have one.
- Q What is her name? A Thee Jones; her name as Theodora but we just call her Thee; I 'loved may be that would do.
- Q Do you prefer to call it Thee in your application? A Yes sir.
- Q How old is she? A Nine years old.
- Q Is your husband living? A Yes sir.
- Q Is he the father of this child? A Yes sir.
- Q You were not married previous to your marriage to him; that is, you were never married but once? A Never but once.
- Q Is he a white man or Indian? A He's a white man.
- Q What is his name? A J. W. Jones.
- Q You don't make any application for your husband do you? A No sir, I say I am a grass widow.
- Q You are not living with this husband then? A No sir, I haven't been living with him for ten years; been separated between nine and ten years; I am a widow.
- Q When you said a little while ago that you were a grass widow did you mean that you had not been legally divorced? A Yes sir, I am legally divorced.
- Q Who got the divorce, you or your husband? A I got it.
- Q Against your husband? A Yes sir, I have the copy.
- Q You have a copy? A Of my divorce.
- Q Have you got it with you? A No sir.
- Q Well in that divorce proceeding were you given the custody of that child? A Yes sir, because he treated me and her cruelly.
- Q By what court were you divorced from your husband? A Ardmore court.
- Q How long ago? A Been pretty near ten years ago, between nine and ten.
- Q When you say the Ardmore court you mean the United States Court at Ardmore? A Yessir, Judge Shackelford was judge then. I think he was as well as I remember.
- 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 Sir?
- Q Have you or your child ever been enrolled? A No sir.
- Q Have you ever made application for yourself and child for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for the enrollment of yourself and your child as citizens of the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1897? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation before this time for yourself and child to any authority whatever? A No sir.
- Q This is your first application? A Yes sir.
- Q You have never been admitted to citizenship in the Choctaw Nation have you by either the Choctaw tribal authorities, the Com-

mission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, I guess not. As well as I can understand you mean by the Court.

Q By any authority whatever? A No sir, not as I know of.

Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir, under the treaty of 1830.

Q Do you understand that article? A I guess not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. It was made for the purpose of inducing all of the Choctaw Indians to go from the old Choctaw Nation to the Choctaw Nation, Indian Territory. A good many Indians went under that treaty and a good many refused to go, and in order to protect the interests of those who wanted to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty. It reads as follows:

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

Q What was his name? A David Seybold.

Q How much Choctaw blood did he have? A Why he claimed he was one-half.

Q Did he live in Mississippi in 1830? A I don't know, but he was born in Mississippi; then he left Mississippi and went to Alabama and from Alabama to Kentucky and from Kentucky to Illinois where he died.

#4.

- Q How old would he be if living now? A I don't know; I was just a child when he died and he was away in eighty.
- Q Well, you are now thirty? A No sir, I just heard him talking.
- Q You are now thirty? A Yes sir.
- Q And he died when you were about how old? A I am not sure but I believe between nine and ten.
- Q That he died twenty years ago? A I suppose so.
- Q And he was how old? A I couldn't tell you; he was in eighty; he could talk Choctaw well.
- Q How you say he was born in Mississippi? A Yes sir, from Mississippi to Alabama, from Alabama to Kentucky, and time of the war he left Kentucky and went to Illinois.
- Q Do you know whether he lived in Mississippi in 1830, seventy-two years ago, and had a family there then? A I don't know that he did.
- Q What I want to find out is this: whether your grandfather David Seybold was the head of a family in the old Choctaw Nation in Mississippi and Alabama in 1830 or not, if you know?
- A Well, I think; I wouldn't tell it for certain; then he married in Kentucky and he and his wife run away and they was very young.
- Q Did they remove to Mississippi after that? A They lived in Mississippi and at first---
- Q They married and lived in Mississippi at first? 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; I couldn't tell.
- Q Do you know whether any of your Choctaw ancestors complied or in any way attempted to comply with the provisions of that article fourteen of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation when the treaty of 1830 was ratified? A I don't know, but then I knew they always did own land around where they lived.
- Q Did they take that land as Indians or did they buy it of somebody? A I couldn't tell you.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1837 and 1838 or '40?
- 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 and take land there and become citizens of the states? A I don't know; I don't know much; that was just only what I heard---

A great many Indians remained in the old Choctaw Nation east of the Mississippi river, refusing to come with the other Indians to the Territory after the treaty of 1830, 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. Now in this article it was provided that if any of these Choctaw Indians wanted to take advantage of that

fourteenth article, they could do so by going to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and telling 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 Colonel Ward failed to put upon his list known as Ward's Register. Colonel Ward's neglect to do this caused a good many Indians who held land in the old Choctaw Nation and upon which they had improvements, to lose both, for they were taken from them by the government and sold. This caused a great many complaints so that in 1837 a Commission was appointed by Congress and went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they formerly had 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 the Commission? A I don't know; my father said he did; he said he knew of a full blood Seybold family, but I didn't hear him say they had been before the court or anything; he claimed to be one-fourth--my father.
- Q Do you speak the Choctaw language? A No sir, I cant. My father could speak it.
- Q Do you want any time in which to introduce other testimony?

Here L. P. Hudson, attorney for applicant, asks for thirty days in which to file any evidence in support of this claim.

Motion granted.

- Q What is the name of your brother? A John Zeblin Seybold.
- Q Is he married? A Yes sir, he's been married about three months.
- Q He's about twenty-two years old? A No sir, twenty-three I think.
- Q What is the name of your sister whose picture you present? A Lizzie Seybold.
- Q How old is she? A She's nineteen.
- Q Has she been before the Commission, or any one for her? A No sir.
- Q Have you any brothers or sisters? A No sir, I just have two at home.

This applicant does not show marked characteristics of an Indian to any great extent, she shows rather the character-

46.

istics of being descended from white parentage except that her eyes are brown, her complexion is dark, and her hair is brown; she introduces a picture of her brother John E. Seybold, and the features in that picture, as well as the color, are that of one having Choctaw blood; she also presents the picture of her sister Lizzie, nineteen years old, which, although showing light in the picture, gives evidence of dark eyes and somewhat of the features of an Indian, it would seem.

Attorney Hudson offers for evidence tintype picture of John Zehlin Seybold, brother of this applicant, and asks that the same be marked Exhibit "A" and made a part of the record in this case. Also photograph of Lizzie Seybold, sister of this applicant, and asks that the same be marked Exhibit "B" and made a part of the record in this case.

By the Commission.

The Exhibits "A" and "B" being the pictures of John Zehlin Seybold and Lizzie Seybold are received, filed, marked Exhibits "A" and "B", respectively, and made parts of the record in this case.

By attorney Hudson:

- Q Mrs. Jones you expect your brother and sister to appear later do you not? A Yes sir, I expect them to if it is possible. He said that he might just give it up and not appear and again he might. I couldn't say positively.
- Q You expect him to appear? A yes sir.

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 12th day of May, 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.



Subscribed and sworn to before me this 21 day of May, 1902.



Notary Public.

*Wm
Coll.*

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

In the matter of the application of Corn V. Jones, et al.,
for identification as Mississippi Choctaws, H. C. R. 5542.

DECISION

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Corn V. Jones for herself and her minor child Theo Jones, under
the following provision of the act of Congress approved June 21,
1898 (30 Stat., 607):

"This Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, signed 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 both of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one David Seybold, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It 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 David Seybold, 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, 1857 (U Stats., 100) and August 23, 1842 (U Stats., 618).

It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sara Y. Jones and Thos Jones, as Choctaw Indians entitled to rights in

the States made under the provisions of said article fourteen of
the treaty of eighteen hundred and thirty, and that the applicant
files for their identification as such should be refused, and so to
be ordered.

WITNESSE TO THE FIVE CIVILIAN TRIBES

SIGNED:

James Dixby.

Acting Chairman.

SIGNED:

J. E. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Washington, Indian Territory,

OCT 30 1902

COPY.

M. C. R. 5543

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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

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

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

Said decision concludes as follows:

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

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *James Eixby.*
Acting Chairman.

COPY.

M. C. N. 5543

Muskogee, Indian Territory, October 30, 1902.

Cora V. Jones,
Center, Indian Territory.

Dear Madam:

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

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

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

Said decision concludes as follows:

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

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

--2--

together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNEL

Tams Bixby.

Acting Chairman.

Registered.

COPY. M. C. R. 5543

Muskogee, Indian Territory, November 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

Respectfully,

RECORDED

Through the
Commissioner of Indian Affairs.

Jesse B. Jones
Acting Chairman.

1 inclosure. M. C. R. 5543.

M.C.R. 5543.

Muskogee, Indian Territory, December 4, 1902.

Cora V. Jones,

Center, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2d inst., in which you state you have received a letter from the Commission advising you of its decision in your case. You also state that your mother has recently died, and you know of but one witness, a Mr. John Dunn, of Center, Indian Territory, who could testify in your case.

In reply, you are informed that the fifteen days from October 20, 1902, granted you within which to file arguments in support of your case to be forwarded with the record therein to the Secretary of the Interior, expired on November 14, 1902; and on November 15, 1902, the record was forwarded to the Department.

Pending action on your case by the Secretary of the Interior, the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

(COPY)

Land
69034-1902.

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 record of the Commission to the five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Cera V. Jones, for herself and her child Thee Jones, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

It appears from the record in this case that the applicants make their claim to identification by reason of their descent from one David Seybold, who, it is claimed, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that David Seybold 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 the name of David Seybold is not included in the list of those

persons who complied or attempted to comply with the provisions of the 24th article of the Chestnut treaty of 1830, and it is recommended that the decision of the commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Towner,
Acting Commissioner.

R. B. H. H'r.

3 enclosures.

(COPY)

D C 7486-1908.

DEPARTMENT OF THE INTERIOR.

RAF.

ITS.1649-1908.

Washington.

March 13, 1908.

L.R.S.

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

gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Gera V. Jones and her minor child Theo Jones, including your decision of October 30, 1902, refusing the application.

The applicants claim to derive their Choctaw blood from one David Seybold, who is alleged to have been a one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said David Seybold 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., 100), and August 23, 1842 (5 Stat., 513).

Reporting February 16, 1908, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has reviewed the record in the case and hereby affirms your decision.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

I inclosure.

M.C.R. 5549.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of 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 application of Gera V. Jones, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

WITNESSED,

Tame Dixby

Chairman.

N.S.P. 5515.

COPY

Mustagee, Indian Territory, March 25, 1903.

Cora V. Jones,

Center, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th 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 application of Cora V. Jones, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

James Birby.

Chairman.

Copy of testimony of

Cora V. Jones, et al.,

M.C.R. 5543

with papers in t e matter of the
disbarment of Louis P. Hudson.

G.R.

7/1/1902.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name Cona V. ~~Ellis~~ Jones.

Age 30 Blood 1/8

Post-Office, Center, I. T.

Father: J. R. Seybold, d

Mother: Amanda " l

Claims through father

~~husband~~, J. W. Jones, l.w.

No claim for husband.

Children:

Theo Jones F. 9

Claims for self and one child.

Choctaw MCR 5544

Ella Lane

MCR 5544

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

In the matter of the application of Ella Lane, et al.,
for identification as Mississippi Choctaws, M. C. R. 5844.

INDEX

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Ella Lane, et al., M.C.R. 5844.

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Original application of Ella Lane, et al., before the Dawes Commission for identification as Mississippi Choctaws,	1
Decision of the Commission refusing the application of Ella Lane, et al., for identification as Mississippi Choctaws,	2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskege, I. T., May 12th, 1902.

#5544

-----000-----

In the matter of the application of Ella Lane for the identification of herself and her two minor children, Mattie and Lucy Pittman, as Mississippi Cheetaws.

L. P. Hudson attorney for applicant.

Ella Lane being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ella Lane.
Q How many children have you? A Two.
Q Both by this same husband? A By the first husband.
Q And not by the second? A No sir.
Q What is your age? A Twenty-three.
Q What is your post office address? A Tecumseh, Oklahoma.
Q How long have you lived at Tecumseh? A About seven months.
Q Where were you born? A I was born in Mississippi.
Q How long did you live in Mississippi? A I left there when I was four years old.
Q Where did you live in Mississippi? A Well I forget the county.
Q You went from Mississippi where? A To Malvern, Hot Springs County, Arkansas.
Q How long did you live in Arkansas? A About four years.
Q And from Arkansas you went where? A To Fannin County, Texas.
Q And how long did you live there? A Well I lived there for about fifteen years.
Q Then did you go to Oklahoma, or don't you remember? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Marion Kendrick.
Q What is your mother's name? A Lizzie Pittman.
Q Married again? A Yes sir.
Q That is her present name is it? A Yes sir.
Q What is her name? A Pittman.
Q That's her present name? A Yes sir.
Q Who do you claim your Cheetaw blood through? A My father.
Q How much Cheetaw blood do you claim? A Quarter.
Q Have you the proof of the marriage of your father and mother here with you? A Sir.

42.

- Q Have you the papers showing your father and mother's marriage here? A No sir.
- Q Do you think you can produce that proof later? A Yes sir.

Reasonable time will be allowed for that purpose.

- 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 by the United States authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Your husband is living? A Yes sir.
- Q Is he a white man or an Indian? A White man.
- Q What is his name? A Tom Lane.
- Q You don't make any claim for him do you? A No sir.
- Q How give me the name of your oldest child? A Mattie.
- Q Mattie what? A Pittman.
- Q How old is Mattie? A She's three years old.
- Q What is the name of the next child? A Lucy.
- Q What is the name of the father of these two children? A William.
- Q Tom Lane your present husband is your second husband? A Yes sir.
- Q Is William Pittman the name of your first husband? A Yes sir.
- Q How old is Lucy? A She's three months old.
- Q Have you any other children except these two? A No sir, just these two.
- Q Were you divorced from your first husband William or did he die? A I was divorced.
- Q When were you divorced? A Last fall.
- Q Did you bring the action of divorce or he? A He did.
- Q Against you? A Yes sir.
- Q How did you get the custody of these children then; were you given the custody of these children by the court; you are willing to state under oath are you that the court gave you these children? A Yes sir.
- Q Well how did it happen that he made application for divorce against you and the court gave you the custody of the children? A Well, he just wasn't fittin' as the lawyers said--he wasn't able to support them.
- Q He didn't want the children? A No sir.
- Q And so you got the custody of them? A Yes sir.
- Q In what court was that? A In Texas.
- Q Where in Texas; where was the court located? A At Bonham.
- Q Do you remember the name of the court? A No sir, I don't remember.
- Q Was it county court? A Yes sir, it was.
- Q What county? A Fannin County.
- Q And you say last fall? A Yes sir.
- Q What was the charge he obtained the divorce from you? A It was twenty-five I think.
- Q What did he say was the matter; why didn't he want to live with you? A I couldn't tell you.
- Q You got a copy of the papers served on you did you? A Yes sir.

#5.

- Q Where is your husband living now? A I don't know.
- Q He went away didn't he and then you married shortly after the divorce was granted again? A Yes sir.
- Q Do you remember in what month that divorce was allowed; you say it was last fall; do you remember the month? A I don't know.
- Q Don't know whether it was October, November or December?
- A I don't know.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made to any authority whatever for citizenship in the Choctaw Nation?
- 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 the 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; knew what it means? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830. The treaty was made for the purpose of the removal, as far as practicable, of 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 not go to the Choctaw Nation, Indian Territory, with the other Indians. Some provision was to be made for them in the treaty and that provision was embodied in an article--in article fourteen of the treaty of 1830, which was made for the especial benefit of Choctaw Indians. 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 citi-

sons of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q How do you understand that article? A Yes sir, I think.

Q Do you think you don't care to have it explained further?

A No.

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.

By attorney Hudson:

Q Do you know whether they did or not? A No sir.

By the Commission:

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; go back as far as you can now? A My grandfather.

Q What was his name? A Marion Kendrick, my father's name.

Q What was your grandfather's name? Same?

A Yes sir, same.

Q Is he dead? A Yes sir.

Q How old would he be if living now; you don't know how old he would be if living now? A No sir.

Q Your father's dead? A Yes sir.

Q He had the same name? A Yes sir.

Q When did your father die? A He was eight years old-----

Q Twelve or fifteen years ago? A Yes sir.

Q He was how old when he died? A Forty-four.

Q He would be about fifty-nine or sixty if living now?

A Yes sir, my father.

Q Where was he born? A He was born in Mississippi.

Q Was his father Marion Kendrick living there in Mississippi in 1830, that is, seventy-two years ago? A I don't know.

Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi in 1830 and was the head of a family there then?

A No sir.

Q You don't know how old your grandfather would be if living now?

A No sir.

Q Did he speak Choctaw? A Yes sir.

Q Did you ever hear him speak Choctaw? A Well I never seen my grandfather.

Q You yourself lived in Mississippi at one time? A Yes sir.

Q Your grandfather lived there? A Yes sir.

Q But you don't know of the name of the Choctaw ancestor of yours who lived there in 1830 and was the head of a family there then?

A No sir.

Q How much Choctaw blood did Marion Kendrick your grandfather have? A He was full blood.

#5.

- Q How much Choctaw blood did your grandfather Marion Kendrick have? A Full blood.
- Q Then you claim your father was a half blood? A Yes sir.
- Q And you claim one fourth? A Quarter.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama in 1830?
- A No sir.
- Q Or under article fourteen of the treaty of 1830? A No sir.
- Q You don't know whether any of your Choctaw ancestors complied in any way with the provisions of that article of that treaty?
- A I don't know.
- Q Did any of them, within six months from the ratification of the treaty of 1830, go to Colonel Ward, the United States Indian Agent 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 states? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q You never heard that any of them owned any improvements on land in Mississippi or Alabama in 1830? A No sir.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the provisions of that article of that treaty were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel 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 United States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his 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 land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 8th of that year, a Commission was appointed by Congress, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission was appointed under an act approved August 23rd of that year; it went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or 1842 and claim any benefits as Choctaw Indians under that article of that treaty? A No sir.

By attorney Hudson:

- Q Do you know whether they did or not? A No sir.
- Q Well then say you don't know? A I don't know.

#6.

By the Commission:

- Q Did any of your Choctaw ancestors receive any of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, which scrip was issued under the act of Congress of August 23rd, 1842, and was issued to those Indians who proved that they had rights under article fourteen, and also proved that they had land taken from them by the government; ever hear about that? A I don't know.
- Q Have you any kinfolks or relatives who have been before this Commission to be identified as Mississippi Choctaws? A No sir.
- Q Have you any other evidence you want to introduce now? A No sir.
- Q Do you want any time to furnish evidence provided you should desire to do so? A No sir.

Thirty days time is allowed this applicant, at the request of her Counsel, in which to introduce further testimony if she desires in support of this application.

- Q Do you speak Choctaw? A No sir.
- Q You never learned it? A No sir.
- Q Do you claim any other blood than Choctaw? and White? A No sir.
- Q You have white blood? A Yes sir.
- Q You are three quarters white are you? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of white and Indian blood which she claims is one-fourth Choctaw; her hair is as black as most Indians, her color is dark, eyes very dark, and the complexion of her child also shows that this woman is possibly of Indian blood, which she says is Choctaw, in probably the proportion that she claims; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 18th day of May, 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 21 day of May, 1902.

Charles H. Sawyer

Notary Public.

J. G. W.
Cov.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of Ella Lane, et al.,
for identification as Mississippi Choctaws, H. C. R. 5964.

DECISION

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Ella Lane for herself and her two minor children, Myrtle and Lucy
Pittman, under the following provision of the act of Congress ap-
proved June 26, 1898 (30 Stat., 498):

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

It also appears that all 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 descend-
ants of one Nathan Hamrick, Sr., 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 had ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1896 (29 Stat., 521).

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 Maria Emerick, Sr., signified (in person or by proxy) to Colonel E. A. 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, 1857 (11 Stat., 100) and August 22, 1846 (8 Stat., 515).

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

COPY

McKaguee, Indian Territory, October 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ella Lane, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 6th, 1902.

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

Respectfully,

(SIGNED).

Fama Sirby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure

COPY.

M.C.R. 5844.

Waskagee, Indian Territory, October 6, 1902.

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

Gentlemen:-

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ella Lane, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Lane, Mattie Pittman and Lucy Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty,

M., McK & Co., -3.

and that the application for their identification as such should be refused, and it is so ordered.

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

Respectfully,

(SIGNED)

James D. Kirby
Acting Chairman.

OPY.

N.C.R. 8944.

Muskogee, Indian Territory, October, 6, 1902.

Ella Lane,

Tasumash, Okla.

Re-mailed Nov. 22. to Centur. I. T.

Dear Madam:-

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision on the case of Ella Lane, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 493) which is as follows:

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

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Lane, Mattie Pittman and Lucy Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

File Case #2.

and thirty, and that the application for their identification as such should be refused, and it is so ordered.

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

Yours truly,

(SIGNED).

James Binby.
Acting Chairman.

Registered.

Miss. Choctaw 5544

Muskogee, Indian Territory, October 24, 1902.

Eller Lane,

Center, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 21, stating that you applied to this Commission in April for identification as a Mississippi Choctaw and have heard nothing further from the application since that time. You state that you now live at Center, Indian Territory, and you wish to be advised at that place what action has been taken in your case.

In reply to your letter you are advised that the Commission now has under consideration your application for the identification of yourself and your minor children as Mississippi Choctaws, and it is probable that within the near future a decision will be reached in your case. As soon as a decision is rendered you will be notified thereof, and of the forwarding of the record in the case to the Secretary of the Interior.

Your change of address has been made a matter of record with the Commission.

Respectfully,

Acting Chairman.

M.O.N. 5544

COPY.

Muskogee, Indian Territory, January 14, 1903.

Mansfield, McMurray & Hornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th 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 Ella Lane, et al., of which decision you were advised by registered mail on the 6th day of October, 1902.

Respectfully,

(SIGNED).

A. D. Meales.
 Commissioner in charge.

-1- COPY -1-

Land.
80,562-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 18, 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: Ella Lane for herself and her two minor children, Mattie and Lucy Pittman, wherein a decision adverse to the applicants was rendered by the Commission on October 6, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Marion Kendrick. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Voochar 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 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 that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(R. B. H.)

P.

H.C.R. 5544.

Muskogee, Indian Territory, December 23, 1902.

Ella Lane,

Center, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you state that you are entitled to land in the Choctaw Nation; that you are one-quarter Choctaw by blood, and that if your evidence is not sufficient you want more time within which to introduce additional testimony.

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

The Commission, on October 6, 1902, rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

You will be duly notified of any action that may be taken by him.

Respectfully,

Acting Chairman.

-: COPY -:

B.C. 788
ITD. 7946-1902.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

KAF.

January 7, 1902.

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

Gentlemen:

October 6, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ella Lane and her minor children, Mattie Pittman and Lucy Pittman.

The applicants endeavor to trace their descent from one Marion Kendrick, Sr., who is 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 Marion Kendrick, Sr., 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 25, 1842 (5 Stat., 515). You denied the application October 6, 1902.

Forwarding the papers December 19, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department has carefully considered the record in this case and hereby affirms your decision.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

M.O.R. 5544

Muskogee, Indian Territory, January 18, 1903.

Ella Lane, Remailed May 18-03 To Honey Grove, Texas
Center, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th 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 Ella Lane, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge.

M C E 5544

Muskogee, Indian Territory, May 18, 1903.

Eller Lane,

Honey Grove, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask to be advised the status of your case.

In reply you are informed that on January 7, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised on January 16, 1903, at Center, Indian Territory, your last known post office address. The Commission now considers this case closed.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

MAY 12 1902

Date

Name Ella Lane.

Age 23

Blood

"4

Post-Office,

Tecumseh, Okla.

Father:

Marion Kendrick, d

Mother:

Lizzie Pittman, c

Claims through

father

Newband (2)

Tom Lane -

l. w.

No claim for husband
William Pittman. (1st-H.)
divorced -

Children:

Mattie Pittman,

3

Lucy "

3 m.

Claims for self
and children (2)

Stenographer

A. H. McMillan

Choctaw MCR 5545

William E. Ellis

See MCR 3800

MCR 5545

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, X. T., May 18th, 1902.

#6545.

-----000-----

In the matter of the application of William H. Ellis for the identification of himself and his three minor children, Lou Ellen Ellis, George W. Ellis and Floy G. Ellis, as Mississippi Choctaws.

L. P. Hudson attorney for applicants.

William H. Ellis, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A William H. Ellis.
Q What is your age? A Thirty-one.
Q What is your post office address? A Waller, Texas; Waller County.
Q Where were you born? A Hookley, Texas.
Q And you have always lived in that state? A Yes sir.
Q Your father is living? A Yes sir.
Q And your mother also? A Yes sir.
Q What is your father's name? A George W. Ellis, Sr.
Q He has made application to be identified as a Mississippi Choctaw has he not, before the Commission? A Yes sir.
Q Do you remember the day of his application; it was February 14, 1902, was it not, at Muskegee? A Yes sir.
Q Do you want to have your case consolidated with his application made at that time? A Yes sir.

The application of George W. Ellis, Sr., father of this applicant, is here referred to, H C H 4593, for the purpose of consolidation.

- Q What is your mother's name? A Mistress Louisa J. Ellis.
Q You claim your Choctaw blood through which parent, father or mother? A Father's side.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A I don't know.

#2.

- Q Well you knew that he has made application for identification as a Mississippi Choctaw? A Yes sir.
- Q And that would indicate that he had not been enrolled?
- A As far as I knew he hasn't, but I am not positive.
- Q You don't think he has? A No sir.
- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q You can introduce that later if given time? A Yes sir.

Reasonable time will be allowed this applicant for that purpose.

- Q Are you married? A Yes sir.
- Q Your wife is living? A Yes sir.
- Q She has Choctaw blood, or is she a white woman? A White woman.
- Q What is her name? A Mistress Rosa Ellis.
- Q Do you make any claim for your wife? A No sir.
- Q Have you any children you want to make application for?
- A Yes sir, three.
- Q What is the name of the oldest? A Lou Ellen Ellis.
- Q What is her age? A About eight years old.
- Q What is the name of the next child? A George W. Ellis.
- Q How old is George? A About five; I don't know exactly.
- Q You think about five? A Yes sir.
- Q What is the name of the next one? A Floy G. Ellis.
- Q Boy? A No sir, it's a girl. Two girls and one boy.
- Q How old? A Three.
- Q You make application for yourself and these children do you?
- A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation before this time for yourself and children to any authority whatever? A No sir.
- Q You never have been admitted with your children have you by any authority whatever as Choctaw Indians? A No sir.
- Q Do you now come before the Commission to be identified with your minor children as Choctaw Indians claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand it? A I have heard it explained several times; I understand the most of it.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. It was ratified later on the 24th day of February,

ary, 1831. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the provisions of that treaty. The object of the treaty was to remove all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation west of the Mississippi river in the Territory. Before the treaty was signed article fourteen was put into the treaty and then it was signed and later 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 entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now well enough to claim under it? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt in any way to comply with the provisions of article fourteen of that treaty?
- A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Mistress Sarah Booth.
- Q How much Choctaw blood did she have? A She was a half breed.
- Q How old would she be if living now? A I don't know.
- Q What relation was she to you? A She was my great-great-grandmother.
- Q You don't know how old she would be if living now?
- A No sir.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation seventy-two years ago? A I don't know.
- Q Did you ever hear that she had a family in the old Choctaw Nation east of the Mississippi river in 1830, in other words, was she the head of a family at that time? A I don't know.
- Q You claim through your father, and he is now how old?
- A Fifty-seven.
- Q Where was he born? A In Mississippi.
- Q And from Mississippi went to Texas? A I don't know where he went to.

#4.

- Q You can state what he informed you? A He informed me that he had been in Texas since he left Mississippi.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi and Alabama in the year 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors, 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 don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and Ward's neglect to make the proper registration of those Indians desiring to register under article fourteen of that treaty, caused a good many Indians who held land in Mississippi upon which they had improvements, to lose both; the government took them and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, under an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard these claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed, by an act approved August 23rd of 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 any benefits as Choctaw Indians? A Not as I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas; this scrip was issued under an act of Congress approved August 23rd, 1842? A I don't know.
- Q Who is George W. Ellis? A That's my boy.
- Q George W. Ellis, Sr.? A That's my father.
- Q Have any of your kinfolks been here to be identified as Mississippi Choctaws? A Yes sir.
- Q If you knew the names will you give them? A Mistress House, Mr. William J. Self and Miss Kittie.

45.

- Q You want to have all these cases consolidated with yours; all taken together? A Yes sir.
- Q Is there any other testimony or evidence that you want to introduce now? A No sir.
- Q Do you care for any time for the introduction of other testimony? A Yes sir.

Thirty days time is allowed this applicant for the introduction of further testimony if he desires in support of this application.

By attorney Hudson:

I notice in that record there that these cases have not been consolidated with the cases in Mississippi and I want that done-----Marancy A. Dean, M C R 4749 and Nellie House et al., M C R 4750.

By the Commission to attorney:

- Q Do they claim through the same common ancestor? A Yes sir.

Marancy A. Dean, M C R 4749 and Nellie House et al., M C R 4750, are here referred to for the purpose of consolidation.

- Q You don't speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown eyes and hair, dark complexion, 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.

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 18th day of May, 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.

Subscribed and sworn to before me this 21st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1548.

ADVERTISE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

William B. Ellis,
Valler, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

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. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled 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 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.

ONED

Jams Bixoy.

Acting Chairman.

M. C. R. 5545.

COPY.

Muskogee, Indian Territory, July 29, 1903.

William E. Ellis,
Waller, Texas.

Dear Sir:

You are hereby notified that on the 1st 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 John W. Lipsy, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name William E. Ellis

Age 31 — Blood 1/32

Post-Office, Waller, Tex.

Father: George W. Ellis h. l.

Mother: Louisa J. " l.

Claims through father — —
wife - Rosa Ellis l. w.
No claim for wife -

Children:
Lou Ellen Ellis F 8
George W. " 5
Floy G. " F 3

Claim for self &
children (3)

Choctaw MCR 5546

John J. Ellis

See MCR 3800

MCR 5546

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 12th, 1902.

#5546

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In the matter of the application of John J. Ellis, Sr., for the identification of himself and his three minor children, Pearl Warren Ellis, John J. Ellis, Jr., and Lucille H. Ellis, as Mississippi Choctaws.

L. P. Hudson attorney for applicants.

John J. Ellis, Sr., being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John J. Ellis, Sr.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Houston, Texas.
Q How long have you lived in Houston? A About fifteen years.
Q What is the name of your street? A 2610 Jackson Street.
Q Where did you live before you lived in Houston? A Hockley, Texas.
Q Were you born in Texas? A Yes sir.
Q Father is living? A Yes sir.
Q George W. Ellis Sr.,? A Yes sir.
Q Is your mother living? A Yes sir.
Q Her name is what? A Louisa Ellis.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Your father has made application to be identified as a Mississippi Choctaw has he not? A Yes sir.
Q The number of his case is M O R, 4698, and here referred to for the purpose of consolidation. You would like to have his case and the case of all the relatives considered together would you not, under the same common ancestor? A Yes sir.
Q He has filed, this day, has he not, the proof of his marriage to your mother? A Yes sir.
Q You would like to have that referred to also would you? A Yes sir.
Q What is the name of your wife? A Nellie Ellis.
Q Is she Choctaw or a white woman? A White woman.
Q Have you the proof of your marriage with your wife? A Yes sir.

#2.

Q Have you got that here? A Yes sir.

Here L. P. Hudson, attorney for applicant, offers in evidence the marriage license of this applicant to Miss Nellie White, and asks that the same be marked Exhibit "A" and made a part of the record in this case.

Said document is received and marked Exhibit "A" and filed with the records in this case.

- Q You don't make any claim for your wife then? A No sir.
Q Will you give the name of your first child? A Pearl Warren Ellis.
Q How old is she? A Five years; the next----John J. Ellis, Jr., he's three, and there is one more--Lucille H.
Q How old is Luville? A She's one year.
Q You claim for yourself and these three children? 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 Are you and your wife living together and children all living with you at your home? A Yes 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 before this time to any authority whatever for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been enrolled with your children as citizens of the Choctaw Nation by any authority whatever? A No sir.
Q Do you now come before this Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir, not fully.

You know that in 1830 a treaty was made between the government of the United States and the Choctaw Indians who lived east of the Mississippi river in the old Choctaw Nation which was then partly in Mississippi and partly in Alabama. Before the treaty was signed it became known that a good many Indians would refuse to go from that old Choctaw Nation. Some provision had to be made for them in the treaty of 1830, because the object of that treaty was to remove them from that old Nation to the Choctaw Nation, Indian Territory, and therefore article fourteen was drafted and put into the treaty. The treaty then afterwards was signed and ratified later on. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each un-

married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that article 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 Sarah Booth.
 Q What relation to you is she? A Great-great-grandmother.
 Q How much Choctaw blood did she have? A She was a half breed.
 Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
 Q How old would Sarah Booth be if living now? A I don't know.
 Q Did she have a Choctaw Indian name? A I don't know.
 Q Did she own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
 Q Did she own any improvements on land in the old Choctaw Nation in Mississippi and Alabama in 1830 or 1831? A I don't know.
 Q Did she go with the other Indians to the Indian Territory, between 1833 and 1838 or '40? A I don't know.
 Q Did she, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830, 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 the result of his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both; the government took them and sold them at its public land sales. This caused so many complaints that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by Congress for the same purpose, and that Commission also went

#4.

to Mississippi and heard claimants under that article of that treaty.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under that article of that treaty? A I don't know.

The act of Congress of August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if he also further proved that he had had his land taken from him, in other words, if he had lost it through the action of the government, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
Q What relation is George W. Ellis, Sr., to you? A My father.
Q He has made application for identification as a Mississippi Choctaw? A Yes sir.
Q Also your brother William E. Ellis? A Yes sir.
Q And other relatives have been before the Commission previously, claiming through the same common ancestor? A Yes sir.
Q Would you like to have the testimony in those cases considered with yours and all consolidated under one head? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence that you want to introduce now before the Commission in support of this claim? A No sir.

To the attorney:

Q Do you want to make any reference Mr. Hudson? A Yes sir, I want to refer to the cases of Marancy Dean, M C R 4749 and Nellie House et al., M C R 4750.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium fair complexion, brown hair and eyes, 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.

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 18th day of May, 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.

Subscribed and sworn to before me this 21 day of May, 1902.

Charles B. Sawyer

Notary Public.

COPY.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3846.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

John J. Ellis, Sr.,
Houston, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

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. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled 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 is so ordered.”

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

Respectfully,

(SIGNED).

Registered.

Tamo Lacey.

Acting Chairman.

COPY.

M.C.R. 8546.

Muskogee, Indian Territory, July 29, 1903.

John J. Elias, Sr.,
Houston, Texas.

Dear Sir:

You are hereby notified that on the 1st 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 John W. Lipsy, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name John J. Ellis Sr

Age 27 - Blood 1/32

Post-Office. Houston, Texas {
2610 Jackson St.

Father: George W. Ellis, Sr. l.

Mother: Louie " l.

Claims through father,
wife and Nellie Ellis l. w

No claim for wife

Children:

Pearl Warren Ellis 5

John J. Ellis, Jr 3

Lucille H. " 192

Claims for self &
3 children

Choctaw MCR 5547

Itasca M. Coles

See MCR 3800

MCR 5547

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 18th, 1902.

#2549

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In the matter of the application of Itasen M. Coles for the identification of herself and her three minor children, George Warren Coles, Howard Smith Coles and Elijah Coles, Jr., as Mississippi Choctaws.

L. P. Hudson attorney for applicants.

Itasen M. Coles, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Itasen M. Coles.
Q What is your age? A Thirty.
Q What is your post office address? A 2617 Jackson Street.
Q Houston? A Houston, Texas.
Q How long have you lived at Houston? A Fifteen years.
Q And where did you live before that? A Heckley, Texas.
Q You have always lived in Texas? A Yes sir.
Q Your father is living and also your mother? A Yes sir.
Q Your father's full name is what? A George W. Ellis, Sr.
Q And your mother's name? A Louisa J. Ellis.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A Well, Sarah Booth was half Choctaw Indian.
Q How much are you? 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 by the United States authorities in the Indian Territory? A I don't know sir.
Q He never has lived in the Territory? A I don't know sir.
Q Have you the proof of his marriage to your mother here?
A Yes sir.
Q He's filed that proof in his own application has he not; you want to refer to that I presume? A Yes sir.
Q Are you married? A Yes sir.
Q Do you make application for anyone besides yourself?
A I have three children, yes sir.
Q What is your husband's name? A Elijah Coles, Jr.
Q Is he a Choctaw Indian? A No sir.

#2.

- Q You make no claim for him? A No sir.
Q What is the name of your eldest child? A George Warren Coles.
Q How old is he? A Ten years old.
Q The next? A Howard Smith Coles.
Q How old is he? A Eight.
Q And the next? A Elijah Coles Jr.
Q How old is he? A He's five years.
Q That is all is it? A Yes sir.
Q You claim for yourself and children? A Yes sir.
Q Is Elijah Coles the father of these children? A Yes sir.
Q You have never been married except this marriage with Elijah Coles? A No sir.
Q And you and your husband and these children all live together at your home? A Yes sir.
Q Were either of you married before you married each other?
A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
Q You never made application? A No sir.
Q You never made application for yourself and children to the Choctaw authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
A No sir.
Q Have you ever attempted to become enrolled with your children as citizens of the Choctaw Nation previous to this application?
A No sir.
Q You have never been admitted with your children to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these children as Mississippi 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.
Q Would you like to have it explained? A Yes sir.

A treaty is a contract or compact, in more precise legal phraseology a compact in writing, made between two or more Nations instead of individuals. Nations may make agreements in writing just the same as individuals and they are bound by their agreements. Now, a treaty like that was made between the United States government and the Choctaw tribe of Indians living in Mississippi and Alabama at that time, on the 27th day of September, 1830; the object of which treaty was to get all of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, about six or seven thousand of them refused to go, and the other Indians refused to sign the treaty made with the government, or to be made with the government, unless some provision was put into that

treaty to protect the rights and interests of these Indians who wanted to stay back there in the old Choctaw Nation, so article fourteen, as it was afterwards called, was drafted and put into the treaty of 1830 for the especial benefit of Choctaw Indians. It reads as follows:

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

- Q Now 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 I don't know sir.
- Q Now you understand that now don't you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sarah Booth.
- Q What kin was she to you? A She was papa's great-grandmother.
- Q Your great-great-grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A I don't know exactly.
- Q How old would she be if living now? A I don't know.
- Q Did she speak the Choctaw language? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
- A I don't know sir.
- Q Do you know whether Sarah Booth, your great-great-grandmother, or any of your Choctaw ancestors, complied with article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors, particularly Sarah Booth, live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family there then, have children, in other words, were they heads of families in that old Nation 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 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.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after its ratification, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a good many Indians in Mississippi who held land there upon which they had improvements, to lose both the land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that two Commissions were appointed, one in 1837 and another in 1842; these Commissions went out at different times to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians?
 A I don't know.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it further appeared that he had formerly had land in the old Choctaw Nation which the government had taken from him and sold, he might select land either in Mississippi, Alabama, Louisiana or Arkansas, and that scrip should be issued to him to that effect. We would call this scrip certificates now.

- Q Do you know if any of your Choctaw ancestors received any such scrip from the government as Choctaw Indians? A I don't know sir.
 Q What relation is George W. Ellis, Sr. to you? A Father.
 Q Do you want his case considered with yours and your case considered with all other applicants who have been here claiming through the same common ancestor? A Yes sir.
 Q Have you any other evidence that you want to introduce now in support of this claim? A No sir.

- b Here L. P. Hudson asks leave to file further evidence in support of this claim within thirty days.

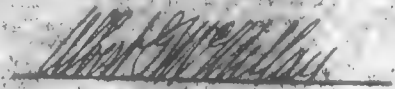
Motion granted.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium dark complexion, brown eyes and hair; she doesn't 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.

76.

Attorney Wilson asks that this case be consolidated with the cases of Marany Dean, N. S. R. 4749 and Nellie House et al., N. S. R. 4750.

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 12th day of May, 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.



Subscribed and sworn to before me this 21st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5547.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Itasca M. Coles,
Houston, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

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. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled 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 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.

Tams Bixby.

Acting Chairman.

M.C.R. 8547.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Itason M. Coles,
Houston, Texas.

Dear Madam:

You are hereby notified that on the 1st 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 John W. Lipsay, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name *Harca M. Coles.*

Age 30 — Blood $\frac{1}{32}$

Post-Office, *Houston, Texas*

Father: *George W. Ellis, Sr.* l
2617 Jackson St.

Mother: *Louisa J.* l

Claims through *father*
— Elijah Coles, Jr. is.

No claim for husband

Children:

George Warren Coles. 10

Howard J. " 8

Elijah Coles, Jr. 5

*Claims for self &
children*

Stenographer *A. L. McMillan*

Choctaw, MCR 5548

Maggie Wiles

See MCR 3800

MCR 5548

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 18th, 1902.

#5548

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In the matter of the application of Maggie Wiles for the identification of herself as a Mississippi Choctaw.

L. P. Hudson attorney for applicant.

Maggie Wiles, being first duly sworn, testified as follows:

Examination by the commission:

- Q What is your name? A Maggie Wiles.
Q What is your age? A Twenty-four.
Q What is your post office address? A Houston, Texas.
Q What is your street number? A 2208 Smith.
Q How long have you lived there? A All my life, nearly.
Q You were born in Texas? A Yes sir.
Q Your father is living? A Yes sir.
Q And also your mother? A Yes sir.
Q Your father's name is what? A George W. Ellis, Sr.
Q Your mother's name is what? A Louisa J. Ellis.
Q You claim through your father do you not? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Your father has filed to-day has he not proof of his marriage to your mother? A Yes sir.
Q And you would like to refer to that as part of the record in this case? 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 the Indian Territory? A I don't know sir.
Q He never lived in the Choctaw Nation did he? A I don't know sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George B. Ellis.
Q Is he a Choctaw Indian? A No sir.
Q You don't make any claim for him? A No sir.
Q And for no one but yourself? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
Q Never heard that it was? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?

#2.

A No sir.

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

Q Have you ever made application for citizenship in the Choctaw Nation to any authority before the present time? A No sir.

Q You never have been enrolled as a member of the Choctaw tribe of Indians 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 identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A It was explained a while ago.

Q Would you like another explanation of it? A No, I guess I understand it as much as I ever would.

It reads as follows:

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

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I 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 Sarah Booth.

Q What relation was she to you? A My great-great-grandmother.

Q How much Choctaw blood did she have? A One-half I think; I don't know really what it was.

Q Well, if she was your great-great-grandmother and had one half, your great-grandmother would have one fourth, and your grandmother would have one-eighth, your father one-sixteenth, and you would have one-thirty-second? A Yes sir.

#3.

- Q Did she have a Choctaw Indian name--Sarah Booth? A I don't know whether she did or not.
- Q Did she live in Mississippi at any time? A I don't know.

By attorney:

- Q Haven't you been so taught? A Yes, I have been taught that she lived and died in Mississippi.

By the Commission:

- Q Didn't you ever hear that your great-great-grandmother, Sarah Booth, lived in Mississippi in the old Choctaw Nation in 1830, and was the head of a family there then? A I don't remember.
- Q Do you know of any Choctaw ancestors of yours who did live in that old Choctaw Nation in Mississippi in 1830, was the head of a family there then? A I have heard the relatives speak of the old ancestors there.
- Q Well, have you heard any of your relatives say that she, Sarah Booth, or any other Choctaw ancestor, lived in the old Choctaw Nation in 1830 and had a family there then? A I heard them speak of and heard them speaking about the old ancestors living there.
- Q You don't remember that anybody specially spoke about the things I have asked in that question? 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 whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Never heard that mentioned? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in that old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830? A I don't know whether they did or not.

In 1837 a Commission was appointed by Congress, by an act approved March 3rd of that year, to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress, under an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These two Commissions were appointed because a great many Indians claimed that they had gone to Colonel Ward within six months 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, in other words, they wanted to register their names with him under article fourteen, but he wouldn't put their

4.

namesen his list known as Ward's Register, and because of his neglect to do this a great many Indians lost land which they had a right to hold in the old Choctaw Nation.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or 1842 and claimed any benefits as Choctaw Indians? A I don't know.
- Q You never heard about that? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they formerly held in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.
- Q How much Choctaw do you talk? A I don't talk any.
- Q Can you count in Choctaw? A No sir.
- Q Have you any other evidence that you want to introduce now in support of this claim? A No sir.
- Q Would you like time in which to submit other proof if you might hereafter wish to do so? A Later on I might have some.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim.

Thirty days time is allowed this applicant in which to file evidence in support of this claim, in accordance with the motion of counsel for applicant.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has gray eyes, medium dark complexion, dark brown hair, doesn't understand the choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830/

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 12th day of May, 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.



Subscribed and sworn to before me this 23 day of May, 1902.



Notary Public.

COPY.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

H.C.R. 2548.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Maggie Wiles,

Houston, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

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. Lipsey. Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled 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 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.

Tame Bixby

Acting Chairman.

M.C.R. 8648.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Maggie Wiles,

Houston, Texas.

Dear Madam:

You are hereby notified that on the 1st 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 John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name Maggie Wiles

Age 24 Blood 1/32

Post-Office. Houston, Texas,
2208 5th St.

Father: Geo. W. Ellis, Sr. l

Mother: Louisa J. — l

Claims through father —

George B. Wiles, W. L

No claim for
husband

Children.

Claims for
self alone.

Stenographer A. G. McMillan

Choctaw MCR 5549

Joshua J. Ellis

See MCR 3800

MCR 5549

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 12th, 1902.

#5549

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In the matter of the application of Joshua J. Ellis for the identification of himself as a Mississippi Choctaw.

L. P. Hudson attorney for applicant.

Joshua J. Ellis, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Joshua J. Ellis.
Q What is your age Mr. Ellis? A I am fifty-eight.
Q What is your post office address? A Rock Springs, Texas.
Q Texas? A Edwards County, Texas.
Q How long have you lived at Rock Springs? A Well, I have lived only at Rock Springs about three years; I have lived in the County there for the last twenty.
Q Were you born in Texas? A No sir, in Mississippi.
Q At what place in Mississippi? A Near Holly Springs.
Q And at what age did you remove from Mississippi? A Well I don't exactly recall what age I was; I don't think I was over six or eight.
Q And you went to what state--Texas? A Yes sir.
Q Your father is living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A George W. Ellis.
Q What was your mother's name? A I think her name was Martha Mildred Tucker.
Q Was that her maiden name? A Yes sir.
Q Martha M. Ellis is right isn't it? A Yes sir.
Q You claim your Choctaw blood through which parent, father or mother? A Through my father.
Q How much Choctaw blood do you claim? A Well sir, I don't know---just from hearsay; my great-grandmother was Choctaw.
Q What was her name? A Booth I think.
Q Sarah Booth? A Yes sir.
Q How how much Choctaw blood did she have? A Well sir, I don't know---just what I have heard.
Q What have you heard? A I heard that she was a half breed.

40.

- Q Well, if she was one-half, how much would you have?
A I couldn't tell you.
Q Your brother claims one-sixteenth? A Well I guess him and me is about on the same basis.
Q Have you the proof of the marriage of your father and mother here? A No sir, we have only got the affidavit of our aunt that was at the marriage. The records was destroyed--

Statement by L. P. Hudson:

I will furnish proof of the marriage of the father and mother of this applicant, the records being destroyed during the Civil War; this will be in the nature of secondary evidence.

By the Commission:

Reasonable time will be allowed for that purpose.

- Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not as I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q You don't make any claim for her? A No sir.
Q What is her name? A Her name is Sarah E. Ellis.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No sir.
Q Just claim for yourself alone? A Yes sir.
Q How many children have you over age, Mr. Ellis? A I have got four.
Q All married? A Yes sir.
Q Will you give the full name and address of the oldest?
A Of the oldest?
Q Yes? A The oldest is Henry G. Ellis; he lives at Globe, Arizona.
Q How old is he? A He was born in '65---thirty-seven years old.
Q Has he any children? A Yes sir.
Q Can you give the names of the children? A I can give the names of two of them; one is named Jerry W. and the other is Resie; I can't give the names of any of the children out there in Arizona for I haven't seen them.
Q There are others you don't remember now? A Yes sir.
Q How will you give the name of the next child? A Mary McFadden.
Q Mary McFadden? A Yes sir.
Q Where does she live? A They live at Sweetwater I think.
Q In Texas? A Yes sir.
Q How many children? A Five I believe, but don't know their names.
Q The next? A The next is George W. Ellis.
Q Where does he live? A At Rock Springs.
Q Texas? A Yes sir.

- Q How many children has he? A Three.
- Q Can you give their names? A Yes sir, one is called Jerry J., and another named Gillis and another named Lesley.
- Q All living at Rock Springs? A Yes sir.
- Q Any others? A Baby I guess.
- Q Is that all the relatives you recall now? A I have got one daughter yet, she lives at Sonora, Texas.
- Q What is her name? A Ida Itasca Helbert.
- Q That's all is it? A Yes sir, she's got two children.
- Q What are their names? A Oldest one's name is Ida and the other one they call Fritz.
- Q You claim for yourself alone at this application? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
- Q Have you ever made application for enrollment as a Choctaw citizen 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 Do you now come before the Commission for the first time to make application for enrollment or citizenship in the Choctaw Nation? A Yes sir.
- Q This is your first application? A yes sir.
- Q You have never been admitted to citizenship in the Choctaw Nation have you by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now want to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes.
- Q You don't care to have it explained further? A No sir, I understand it.

Without the explanation it reads as follows:

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

- Q Did any of your Choctaw ancestors comply with the provisions of that article Mr. Ellis? 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 Mrs. Booth I understood.
- Q Sarah Booth whose name you gave a while ago? A Yes sir.
- Q And you claim she had how much Choctaw blood? A I don't know; it is only what I have been told.
- Q Been told in the family? A Yes sir.
- Q How much have you heard in the family? A Some said she was half breed and some said she wasn't.
- Q On the assumption that she was one-half blood Choctaw Indian, you claim one-sixteenth? A Yes sir.
- Q Do you know how old she would be if living now? A No sir, I don't.
- Q Did she live in Mississippi in 1830? A Well I couldn't tell you that; I have been told that she did.
- Q Do you know whether she or any other Choctaw ancestor lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A Well I don't know only from hearsay.
- Q You have heard that in the family? A Yes sir, I heard my old grandfather say it.
- Q You claim through your father? A Yes sir.
- Q George W. Ellis, he would be how old if living now? A My father?
- Q You are fifty-eight? A My father died when he was fifty-eight.
- Q When he was sixty-eight? A Fifty-eight.
- Q He died when he was fifty-eight? A No, forty-eight; he died in the year '58; he was forty-eight years old when he died.
- Q That is forty-four years ago? A Yes sir.
- Q At forty-eight he would be nearly ninety now if living? A Yes sir.
- Q Where was he born? A Well sir, I couldn't tell you; I ought to know too.
- Q You don't know whether he was born in Mississippi? A I don't know, but I think he was there in Mississippi or Georgia.
- Q That is your father, and you are claiming through Sarah Booth who would be your father's grandmother? A Grandmother.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I couldn't tell you that for I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A That I couldn't answer; I never heard 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, who had an office or 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 That I don't know; I couldn't tell anything about that.

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 stay in Mississippi, take land there and become citizens of the states, to go to the United States Indian Agent within six months after the ratification of the treaty, and make that declaration to this Agent. A good many Choctaw Indians did so, and within the time limited in article fourteen, but for some reason Colonel Ward neglected to put their names upon his list known as Ward's Register, and as a result of his neglect a great many Choctaw Indians who tried to register lost their land in the old Choctaw Nation. This caused so many complaints that Congress, in 1837, by an act approved March 3rd of that year, appointed a Commission, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year, and this Commission went to Mississippi and heard claimants under that article of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of the treaty of Dancing Rabbit Creek? A I couldn't tell you; not that I know of.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian wanted to prove his claim under article fourteen of the treaty of 1830, if it also appeared that he had had land in Mississippi or Alabama in the old Choctaw Nation and the government had taken it from him, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given 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 to my knowledge.
- Q Did you ever hear that? A No sir, never heard anything of it.
- Q What relation is George W. Ellis, Sr., to you? A That was my father--George W. Ellis.
- Q This one here? A My brother.
- Q He has made application together with several of his children hasn't he? A Yes sir.
- Q Do you want to have the testimony in their cases consolidated with the testimony in your own? A Yes sir.

The case of George W. Ellis, Sr., M C R 4698, is here referred to for the purpose of consolidation.

Here L. P. Hudson, attorney for applicant, asks that the case of this applicant also be consolidated with that of Marancy Dean, M C R 4749 and Nellie House et al., M C R 4750, who made application at meridian.

#5.

Examination by L. P. Hudson:

- Q Mr. Ellis you are a full brother of George W. Ellis, Sr., are you not? A Yes sir.
- Q His grandfather Ellis and your grandfather were the same person? A Yes sir.
- Q When he appeared before the Commission on the 14th day of February, 1902, he testified that his grandfather was named George W. Ellis? A His name was Joshua Ellis.
- Q That was a mistake was it? A Yes sir.
- Q Now tell how you are confident that his name was Joshua Ellis? A Because I was named after him.
- Q Your name and his are the same? A Yes sir, I was named after him.

By the Commission:

- Q Mr. Ellis do you speak the Choctaw language? A No sir.
- Q Have you any evidence you want to introduce in support of this claim? A No answer.

Here L. P. Hudson asks leave to file further evidence in support of this claim within thirty days.

Motion granted.

This applicant has the appearance and physical characteristics of being descended from white parentage, has florid complexion, brown eyes, hair gray, whiskers gray, formerly black; he doesn't 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.

Here L. P. Hudson, attorney for applicant, offers in evidence certified copy of the marriage certificate between J. J. Ellis and Miss Sallie Barksdale and asks that the same be marked Exhibit "A" and made a part of the record in this case.

By L. P. Hudson:


- Q Mr. Ellis, in this certified copy of the marriage certificate I find the name of J. J. Ellis; are you the identical party to whom the original of this license was issued? A Yes sir.
- Q And simply your initials were used there instead of Joshua J? A Yes sir.

By the Commission:

- Q Is Sallie Barksdale the same as Sarah E. Ellis? A Yes sir.

#6.

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 18th day of May, 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.



Subscribed and sworn to before me this 23 day of May, 1902.



Notary Public.

COPY.

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

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

REFER IN REPLY TO THE FOLLOWING
N.C.R. 5549.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Joshua J. Ellis,
Rock Springs, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws :

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Maraney A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

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. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled 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 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.

Tams Bixby.

Acting Chairman.

M.C.R. 8549.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Joshua J. Ellis,
Rock Springs, Texas.

Dear Sir:

You are hereby notified that on the 1st 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 John W. Lipsy, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles
Commissioner in Charge.

For Identification as a Mississippi Choctaw

MAY 12 1902

Date

Name Joshua J. Ellis.

Age 58 Blood 1/16

Post-Office, Rock Springs, Tex.

Father: George W. Ellis. d

Mother: Martha M. " d

Claims through father -
wife Sarah E. Ellis, l.w.

No claim for
wife -

Children:

Claim for self
alone

Choctaw MCR. 5550

Sallie C. Person

See MCR 3111

MCR 5550

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 18th, 1902.

#3350.

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In the matter of the application of Sallie G. Person for the identification of herself as a Mississippi Choctaw.

L. P. Hudson attorney for applicant.

Sallie G. Person being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie G. Person.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Velma, Mississippi.
Q How long have you lived there? A All of my life.
Q Is your father living? A No.
Q Is your mother living? A No.
Q What was your father's name? A Grealley Person.
Q What was your mother's name? A Martha Person.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A Well, my grandmother--her mother was a half Choctaw Indian.
Q You claim one-eighth? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No.
Q Are you married? A No.
Q You made application for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I have not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Bureau Commission under the act of Congress of June 19, 1900? A Have not.
Q Have you ever made application previous to this one to any authority whatever for citizenship in the Choctaw Nation?
A Have not.

#2.

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.
- Q You never have been admitted to citizenship in the Choctaw Nation by any authority? A Have not.
- Q Do you understand that article? A I don't particularly.

The treaty of 1830 was made between the United States government and the Indians, called Choctaw Indians, who lived in Mississippi and Alabama in the old Choctaw Nation in the years previous to 1830 and 1831. The object of the treaty made in 1830 was to remove all those Indians east of the Mississippi river to the Choctaw Nation, Indian Territory, but it became known that a good many Indians wouldn't go to the Choctaw Nation, Indian Territory, with the other Indians, and in order to protect the interests of those Indians who stayed back there in the old 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 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 Well I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Do you mean her married name or maiden name?
- Q Don't make any difference? A Delia Greer.
- Q She married whom? A James Greer.
- Q What relation was she to you? A She was my grandmother.
- Q Did she live in Mississippi in 1830? A She lived there---I think she did in 1830; she lived there before, and I think in 1830.
- Q She was married at that time? A Yes, she was married.
- Q And the head of a family there at that time? A So far as I know she did.
- Q That's the way you understand it in the family? A Yes sir.

#3.

- Q How old would she be if living now? A She would be about one-hundred and thirteen years old.
- Q And how much Choctaw blood did she have? A She was half.
- Q All this you get in family history and tradition? A Yes, we have--- ---
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 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 don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, own any improvements on land in Mississippi or Alabama in 1830?
- A Well, I think they did.
- Q Did they get them from the government as Choctaw Indians?
- A I don't know that they did; not that I know of.
- Q Did any of your Choctaw ancestors comply in any way or receive any benefits as Choctaw Indians in any manner under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians, were required, if they wanted to take advantage of that article, to go to the United States Indian Agent who had an Agency in Mississippi at that time, within six months after the treaty was ratified, and tell this Agent that 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 neglected to put upon his list known as Ward's Register. Now his neglect to do this caused a good many Indians who held land in Mississippi in the old Choctaw Nation upon which they had improvements, to lose both their land and improvements upon that land; both were taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23rd of that year, another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed any benefits as Choctaw Indians? A I don't know that they did.
- Q Did any of your Choctaw ancestors receive any scrip or certificates which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to replace land which they had formerly held in Mississippi in the old Choctaw Nation there, and which the government had taken from them and sold?
- A Not that I know of.

#4.

This scrip or these certificates were issued under the act of Congress of August 23, 1842.

- Q Who is William H. C. Greer? A He's my cousin.
Q Do you claim through the same common ancestor as he? A I do.
Q Would you like to have his case and the cases of all other Mississippi Chestaw claimants who claim through the same common ancestor through whom you claim, consolidated with yours?
A I would.

The case of William H. C. Greer, M C R 2711 is here referred to for the purpose of consolidation.

- Q Is there anything more you would like to say in support of your claim? A Well, I don't know that there is.
Q Nothing you think of now? A No.
Q Do you understand the Chestaw language or speak it? A No.

To the attorney:

- Q Any questions Mr. Hudson? A No sir.

Commission to applicant:

- Q Have you any evidence that you want to present now?

Here L. P. Hudson asks leave to file written evidence in support of this claim within thirty days from this date, and also asks that said case be consolidated with the case of William H. C. Greer et al., M C R 2711.

Motion is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has medium dark complexion, dark brown eyes, brown hair, she doesn't understand the Chestaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 18th day of May, 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.



Subscribed and sworn to before me this 23 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Sallie C. Person,

Velma, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer, et al., embracing the following applications for identification as Mississippi Choctaws:

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary H. Hamchett, et al.,	M.C.R. 3118
Gra H. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3128
Calvin C. Greer, et al.,	M.C.R. 3119
Sue C. Miller,	M.C.R. 3129
Villie D. Walton, et al.,	M.C.R. 3038
William H. C. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2738
Lafayette Greer,	M.C.R. 2732
Edward W. Greer, et al.,	M.C.R. 2947
Jessie Greer,	M.C.R. 2736
James H. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward H. Greer, et al.,	M.C.R. 3034
Dollie Miller, et al.,	M.C.R. 2735
Sallie C. Person,	M.C.R. 5550
Fresley C. Person, et al.,	M.C.R. 2733
Emma Byer, et al.,	M.C.R. 2737
Martha Gordon,	M.C.R. 2731
Houris Person,	M.C.R. 3351

These applications were made under the provision of the act

Sallie C. Person,-2

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 Greer, Joseph L. Greer, Harrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katharine Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Jessie Greer, James E. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Willie C. Person, -8

case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby

Acting Chairman.

Registered.

M.C.R. 1000

Muskogee, Indian Territory, September 20, 1904.

Willie C. Person,

Velma, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 15th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name Sallie C. Person.

Age 38 - Blood 1/8

Post-Office Velma, Miss.

Father: Presley Person, d

Mother: Martha " d

Claims through mother

Children:

claims for self alone -

Choctaw MCR 5551

Henrie Person

See MCR 3111

MCR 5551

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeget, I. T., May 12th, 1902.

#5551.

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In the matter of the application of Henrie Persen for the identification of herself as a Mississippi Choctaw.

L. P. Hudson attorney for applicant.

Henrie Persen being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Henrie Persen.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Velma, Mississippi.
Q Have you lived there all your life? A Yes sir.
Q Is your father living? A No.
Q Is your mother living? A No.
Q What was your father's name? A Presley Persen.
Q What was your mother's name? A Martha Persen.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A Well, my grandmother was a half Choctaw; that would make me one-sixteenth would it, or one-eighth?
Q You claim one-eighth? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A No.
Q You claim for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
Q You never did live in the Territory? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the tribal authorities of the nation? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No.
Q Is this the first application that you have ever made for citizenship in the Choctaw Nation? A Yes.

#2.

- Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Why, no I don't.

The treaty of 1830 was made on the 27th day of September of that year, at a place called Dancing Rabbit Creek in Mississippi and was sometimes called the treaty of "Dancing Rabbit Creek." The object of the treaty was to induce all the Choctaw Indians to go from that old Choctaw Nation to the Choctaw Nation, Indian Territory. This treaty was made between the government of the United States and the Choctaw Indians who lived there in that old Choctaw Nation. Before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, with the other Indians, and therefore in order to protect their interests this article, called article fourteen, was put into the treaty and after that the treaty 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 entitled to any portion of the Choctaw annuity."

- Q You understand that now don't you? A Well, I don't understand it; I understand some of it.
- Q You understand its general provisions? A Yes sir, I understand well enough to claim under it.
- Q How do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A 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?

#3.

- A Delia McKlrey.
Q Married whom? A James Greer.
Q How much Choctaw blood did Delia Greer have? A She was a half Choctaw.
Q One-half? A Yes sir.
Q What relation was she to you? A She's my grandmother.
Q Did she live in Mississippi in 1830? A I think she did.
Q Now do you know whether, as a matter of family history and tradition, she was the head of a family in Mississippi in 1830?
A Yes.
Q How old would she be if living now? A About one-hundred and twelve.
Q Was she born in Mississippi? A Yes.
Q And was your mother born in Mississippi? A No, my mother was born in Tennessee.
Q How old would she be if living now? A Sixty-seven.
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 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.
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 don't know.
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.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of 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 states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register, and his failure to do this 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 that in 1837 a Commission was appointed by Congress, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, I don't know.

#4.

- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they formerly held in Mississippi and which the government had taken from them and sold? A Not that I know of.
- Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Have I any----?
- Q Relatives or kin? A That's been before this Commission?
- Q William H. C. Greer? A Yes sir.
- Q What relation is he to you? A Cousin.
- Q And others? A And my sister here.
- Q What is her name? A Sallie G. Person.
- Q Would you like to have these cases consolidated with yours?
- A Yes sir.

The cases of William H. C. Greer, M C R 2711, and Sallie G. Person, M C R 5550, are here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw? A No.
- Q Have you any evidence that you want to introduce now?
- A No, I have not.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty days.

Motion allowed.

This applicant has the appearance and physical characteristics mostly of being descended from white parentage, dark complexion, dark brown eyes, dark hair, she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 12th day of May, 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.



Subscribed and sworn to before me this 23 day of May, 1902.



Notary Public.

COPY.

M.C.R. 5551

Muskogee, Indian Territory, February 13, 1903.

Marie Person,

Yalno, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer, et al., embracing the following applications for identification as Mississippi Choctaws:

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary E. Hannahett, et al.,	M.C.R. 3115
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3123
Calvin C. Greer, et al.,	M.C.R. 3112
Sue C. Miller,	M.C.R. 3129
Willie E. Walton, et al.,	M.C.R. 3038
William H. C. Greer, et al.,	M.C.R. 3711
Thomas C. Greer, et al.,	M.C.R. 3734
Jeff D. Greer, et al.,	M.C.R. 3735
Lafayette Greer,	M.C.R. 3733
Edward W. Greer, et al.,	M.C.R. 3947
Jessie Greer,	M.C.R. 3739
James H. Greer, et al.,	M.C.R. 3939
Henry Wise Greer, et al.,	M.C.R. 3933
Edward E. Greer, et al.,	M.C.R. 3934
Belle Miller, et al.,	M.C.R. 3723
Ballie E. Person,	M.C.R. 3559
Prossley C. Person, et al.,	M.C.R. 3734
Anna Ryer, et al.,	M.C.R. 3737
Martha Gordon,	M.C.R. 3736
Marie Person,	M.C.R. 3551

These applications were made under the provision of the act

Henrie Person,-2

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 Greer, Joseph L. Greer, Marietta Greer, Orabella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray H. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William U. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Jessie Greer, James E. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled 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 further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

March 1902, -3

and together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tama Bixby.

Registered.

M.C.R. 5581

Washkgee, Indian Territory, September 22, 1904.

Henric Person,

Velma, Mississippi

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

No. 5551

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name *Henrie Person, F*

Age *28 -* Blood *'18*

Post-Office, *Velma, Miss.*

Father: *Presley Person, d.*

Mother: *Martha " d.*

Claims through *mother*

Children:

Claims for self alone

Stenographer *A. G. Mc Miller*

Choctaw MCR 5552

Louisiana A. Ridley

See MCR 5553, 5555, 5554
5557, 5558

MCR 5552

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

---0---

In the matter of the application of Louisiana Amanda Ridley, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Louisiana Amanda Ridley, et al	M.C.R. 5552
John Day Ridley, et al	" 5553
Charles Sumnerfield Ridley	" 5554
Bettie L. Beckout, et al	" 5555
Mattie Emma Ridley	" 5557
Ida Gertrude Ridley	" 5558

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Louisiana Amanda Ridley, et al.

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Affidavit of Bettie Chambers	8
Original application of John Day Ridley, et al., before the Dawes Commission for identification as Mississippi Choctaws	9
Certified copy of marriage license of John D. Ridley and Miss M. Lee Dunn	10
Affidavit of Bettie Chambers	11
Original application of Charles Sumnerfield Ridley before the Dawes Commission for identification as a Mississippi Choctaw	14
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before the Daves Commission for identification
as a Mississippi Choctaw25

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Original application of Ida Gertrude Ridley
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Decision of the Commission refusing the consolidated
application of Louisiana Amanda Ridley, et al.,
for identification as Mississippi Choctaws33

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 12, 1902.

5552

In the matter of the application for identification as Mississippi Choctaws of Louisiana Amanda Ridley for herself and her minor child, Amanda Young Ridley.

B. S. Johnson attorney appearing for applicants.

Louisiana Amanda Ridley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A My name is L. Amanda Ridley; I can give you my full name.
- Q You better give it to me? A Louisiana Amanda Ridley.
- Q What is your age? A I will be fifty-eight in May.
- Q Fifty-seven? A Yes, sir.
- Q What is your post office address? A Hillsboro, Hill County, Texas.
- Q How long have you lived at Hillsboro? A Five years; I have been in the County twenty-one years.
- Q You were born where? A Liberty County, Texas.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was your father's name? A My father's name is Isaiah Cates PAY.
- Q How do you spell that second name? A C-a-t-e-s.
- Q What was your mother's name? A Maiden name?
- Q Given name? A Rachel, R-a-c-h-e-l.
- Q How do you spell that? A R-a-c-h-e-l.
- Q You claim through which parent father or mother? A My father.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory; he never has been enrolled? A No, sir.
- Q Have you any proof of the marriage of your father and mother with you? A Yes, sir.
- Q You want to file it now and put it in this case? A Yes, sir.

Attorney; this is only a bible-record and we do not want to file it.

- Q You want to file that proof later? A Yes, sir.

A reasonable time is allowed for that purpose.

- Q Is your husband living? A No, sir.
- Q Have you any minor children you want to make application for? A One.
- Q What was your husband's name? A Young Lafayette Ridley.
- Q Was he a Choctaw Indian or white man? A He was a white man.
- Q What is the name of the child? A Her name is Amanda Young Ridley.

- Q How old is she? A She is about twenty.
- Q Your other child is over age? A Yes, sir.
- Q You claim for yourself and this one child Amanda Young Ridley?
A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A My name is not on the roll.
- Q Is Young Lafayette Ridley the father of Amanda? A Yes, sir.
- Q You never were married except that one time? A No, sir.
- Q Have you ever made application for yourself and daughter for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application at any time before this to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q This is your first application of any kind? A Yes, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming that right under article fourteen of the treaty of 1830? A Yes, sir.
- Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you understand article fourteen of that treaty of 1830? A Well I know that a treaty means but perhaps you had better tell me about it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. The object of that treaty was the removal of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation in Indian Territory. It was a treaty made between the Choctaw Nation then living in that old Choctaw Nation and the United States government, before the treaty was signed it became known that about six or seven thousand Indians would refuse to go to the Choctaw Nation Indian Territory; they would not consent to go and the other Indians would not consent to sign the treaty unless the government would agree to put something into that treaty of 1830 for the protection of those Choctaws who wanted to stay back there in the old Choctaw Nation, so article fourteen was put into the treaty of 1830; that article was made for the especial benefit of Mississippi Choctaw Indians and reads as follows:

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

- Q You think you understand that well enough to claim under it? A Yes, sir.
- Q Did you or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not to my certain knowledge.
- Q What is the name of your ancestor that you claim your right to be identified through? A My father.
- Q Can you go back further than that? A My father's father and and my grandfather.
- Q I want you to go back if you can to some ancestor that lived in Mississippi, if you can show it, in Mississippi in 1830 and had a family there then; now, your father did probably not live there then? A My father lived in Tennessee in 1830.
- Q Give me the name of the ancestor who lived, if you know of any, in Mississippi or Alabama in 1830 and had a family there then? A I can't tell you about his family.
- Q Tell me the name? A Isiah Day.
- Q What relation to you? A My great grandfather? A
- Q Did he live in Mississippi in 1830? A Yes, sir.
- Q Did you ever hear that he had a family living there then? A No, sir; he had a family.
- Q Did he have a family in Mississippi at the time this treaty was made; what I want to know is? A Yes, sir.
- Q Was he the head of a family there then; that is the way that article reads; "Each Choctaw head of a family"? A Yes, he must have had a family.
- Q He must have had a family at the time that treaty was ratified? I heard my father's mother say that.
- Q How much Choctaw blood did your great grandfather have? A He was a full blood.
- Q He lived in Mississippi in 1830 but you don't know about the family? A My grandfather had one.
- Q Was he living in 1830? A He died in '53; you mean my great grandfather?
- Q Yes? A I don't know that question; I don't know.
- Q You don't know how old your father would be if living now? A He would be ninety-years old.
- Q Born you think in Tennessee? A My father was born in Tennessee.
- Q His father was born where? A In Tennessee or Mississippi I don't know which one.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I really 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 he wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1834 or forty? A I can't tell you that either.
- Q Did any of them own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and

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

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know that they did.
- Q Have you any relatives who have appeared before the Commission previous to this application to-day to be identified as Mississippi Choctaws? A No, sir.
- Q Do you speak the Choctaw language? A I don't speak it; I understand a few words; my father spoke it well.
- Q But you don't know much about it? A Just by conversing with them.
- Q Have you any evidence or other proof that you want to file with the Commission in support of this claim at this time? A Yes, sir.
- Q To attorney? Have you? A Not now.
- You want any time? A Yes we want time in this case.

Thirty days time is allowed this applicant in which to furnish other evidence that she may desire to furnish in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; brown eyes; gray hair, formerly black; 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 reported in full all the proceedings had in the above entitled cause on May 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of April 26, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of May 1902.

Charles H. Sawyer

Notary Public.

J. H. W.
C. W.

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

In the matter of the application of Louisiana Amanda Ridley
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Louisiana Amanda Ridley, et al.,	M.C.R.	5552
John Day Ridley, et al.,	M.C.R.	5553
Charles Summerfield Ridley,	M.C.R.	5555
Pattie L. Bookout, et al.,	M.C.R.	5554
Mattie Emma Ridley,	M.C.R.	5557
Ida Gertrude Ridley,	M.C.R.	5558.

--: 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 Louisiana Amanda Ridley for herself and her minor child Amanda
Young Ridley; by John Day Ridley for himself and his two minor
children, Clarence E. and Audrey E. Ridley; by Charles Summerfield
Ridley for himself; by Pattie L. Bookout for herself and her minor
child Hosiie M. Bookout; by Mattie Emma Ridley for herself; and by
Ida Gertrude Ridley for herself, under the following provision of

the act of Congress approved June 29, 1898 (30 Stat., 402):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Isiah Day, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1896 (29 Stat., 221).

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 Isiah Day, or an ancestor lawfully designated (in person or by proxy) as 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, 1897 (5 Stats., 190) and August 20, 1902 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence H. Ridley, Andrew H. Ridley, Charles Sumnerfield Ridley, Mattie L. Beckout, Maria H. Beckout, Mattie Emma Ridley, and Ida Gertrude Ridley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James D. Davis

Acting Chairman.

(SIGNED) *T. B. Needles*

Muskogee, Indian Territory,

OCT 25 1902

(SIGNED) *J. H. Drenth*

Miss. Chester H 5002

Muskogee, Indian Territory, June 5, 1902.

Ells Goodwin,

Durant, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of June 2, inclosing eight affidavits of Bettie Chambers which you offer in support of the applications for identification as Mississippi Cheatews of Amanda L. Ridley and her family as follows: John Ridley, Charles Ridley, Bettie Bookout, Mattie Ridley, Gertrude Ridley and Manda Ridley.

In reply to your letter you are advised that it does not appear from our records that any person named Amanda L. Ridley has applied to this Commission for identification as a Mississippi Cheetan, but it does appear that Louisiana A. Ridley, the mother of Amanda Young Ridley, John Day Ridley, Bettie L. Bookout, Charles Summerfield Ridley, Les Gertrude Ridley and Mattie Emma Ridley, made application for the identification of herself and her minor child, Amanda Young Ridley, and the other children above named, being of age, or married, have made applications for the identification of

H.C. 1

themselves and their minor children, it is presumed that these are the persons referred to in your letter, and six of the affidavits inclosed have been filed in the above named cases.

The two remaining affidavits are returned to you herewith for the reason that it does not appear from your letter in what cases the same should be filed.

Yours truly,

Acting Chairman.

AB 2-5

COPY.

M.C.R. 5552

Muskogee, Indian Territory, October 25, 1902.

Manfield, McMurray & Cornish,

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

Gentlemen:

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bookout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

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 Louisiana

-2-

Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence E. Ridley, Audrey M. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Mosie E. Bookout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw Indians entitled 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)

Ferne Dixby.
Acting Chairman.

COPY.

N.S.R. 5552.

Muskogee, Indian Territory, October 25, 1902.

Louisiana Amanda Ridley,
Hillsboro, Texas.

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	N.C.R.	5552
John Day Ridley, et al.,	"	5553
Charles Summerfield Ridley,	"	5555
Bettie L. Bookout, et al.,	"	5554
Mattie Emma Ridley,	"	5557
Ida Gertrude Ridley,	"	5558

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence H. Ridley, Audrey H. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Mattie E. Bookout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaws."

-2-

law Indians entitled to rights in the Chestaw 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)

Tame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5552

Muskogee, Indian Territory, October 25, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bockout, et al.,	" 5554
Kattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

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

Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence E. Ridley, Audrey M. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Mecie M. Bookout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw Indians entitled 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 herein 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)

Tamm Bixby.
Acting Chairman.

Registered.

Land.
66312-1802.

(COPY)

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS
WASHINGTON, February 6, 1903.

The Honorable,
The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties: Louisiana Amanda Ridley, for herself and her minor child, Amanda Young Ridley; by John Day Ridley for himself and his two minor children, Clarence E. and Audrey M. Ridley; by Charles Summerfield Ridley for himself; by Bettie L. Bookout, for herself and her minor child, Mosie M. Bookout; by Mattie Emma Ridley, for herself and by Ida Gertrude Ridley, for herself for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 25, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Isaiah Day and Elijah or Elisha Day. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

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

citizens of the District of Columbia.

An examination has been made of the records of this office with reference to Isaiah Day and Elijah or Eliza Day, 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 Ghostaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,
Acting Commissioner.

E. B. H. (E).

D.C. 5610

18923

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR.

FEB

WASHINGTON.

I.T.D. 1336-1903.

February 24, 1903.

L R 8

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

Gentlemen:

November 11, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Louisiana Amanda Ridley (M.C.R. 552), for herself and her minor child, Amanda Young Ridley; of John Day Ridley for himself and his two minor children, Clarence E. and Audrey M. Ridley; of Charles Summerfield Ridley for himself; of Bettie E. Bookout for herself and her minor child, Mose M. Bookout; of Mattie Emma Ridley for herself; and of Ida Gertrude Ridley for herself, including your decision of October 25, 1902, refusing to identify them as such.

Louisiana Amanda Ridley, through whom the other applicants claim, traces her descent through her father, Isiah Gates Day, and her grandfather, Elijah or Elisiah Day, to her great grandfathers Isiah Day, who was a full blood Choctaw. It appears that said ancestors resided at different times in Mississippi, Tennessee and Texas.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

:--2--:

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

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

Reporting in the matter February 6, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

COPY,

M.C.R. 3352

Muskegee, Indian Territory, March 9, 1903.

Louisiana A. Ridley,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana Amanda Ridley, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

SIGNED:

W. C. C. [Signature]
Chairman.

COPY.

M.C.R. 5552

Muskogee, Indian Territory, March 9, 1903.

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

Gentlemen:

You are hereby notified that on the 24th day of 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 Louisiana Amanda Ridley, et al., of which decision you were advised by mail on the 25th day of October, 1902.

Respectfully,

(SIGNED),

James H. ...

Chairman.

COPY.

M.C.R. 5552

Muskogee, Indian Territory, March 9, 1903.

B.S. Johnson,

Attorney-at-Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana Amanda Ridley, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

(SIGNED)

Tamc Dixby.
Chairman.

ATION.

CH
(NOT INC.)

TRIBAL ENROLLMENT OF PARENT

FATHER	YEAR	DISTRICT	NAME OF M
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*Consolidated Case
of
Louisiana A. Ridley et al.*

52

Isiah Day (fl.)
 mar
 Alice G. Stewart

{ Elisha Day }
 or
 { Elisiah Day }

Elijah Day 1/2
 dead
 wife
 Mary Cates
 (1/2 Chickens)

(or Isiah Cate Day)
 Isiah Cates Day 90-1/4
 dead
 mar
 Rachel Whitlock
 dead

(or Rosanna G. Day)
 Louisiana Amanda Day 57-1/8
 mar

Bettie E. Day
 mar
 L. C. Chambers

James Henry Day

mer
 5552
 Amanda Young Ridley 20

mer
 5553
 John Day Ridley 33-1/16
 mar
 Leona M. Martin
 -w-

mer
 5553
 Clarence E. Ridley 4
 " Audrey M. " 2

mer
 5555
 Charles Summerfield Ridley 30-1/16

mer
 5554
 Bettie L. Ridley 30-1/16
 mar
 R. L. Bookout
 -w-

mer
 5554
 Mosie M. Bookout 5

mer
 5557
 Mattie Emma Ridley 28-1/16

mer
 5558
 Ida Gertrude Ridley 23-1/16

Young Lafayette Ridley (60?)
 (dead) -w-

For Identification as a Mississippi Choctaw.

MAY 12 1902

Date

Name Louisiana A. Ridley,

Age 57 Blood ~~1/8~~ 1/8

Post-Office, Hillsboro, Texas,

Father: Mich ~~A.~~ Cates Day d

Mother: Rachel " " d

Claims through father -
Husband
Young L. Ridley, d. w.

Children:

Amanda Young Ridley, 20

Claims for self
and daughters

Stenographer W. Rosemond.

COPY.

Muskogee, Indian Territory, November 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Louisiana Amanda Ridley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 25, 1902.

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

Louisiana Amanda Ridley, et al.,	M.C.R.	5552
John Day Ridley, et al.,	"	5553
Charles Summerfield Ridley,	"	5555
Bettie L. Bookout, et al.,	"	5554
Mattie Emma Ridley,	"	5557
Ida Gertrude Ridley,	"	5558

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

Respectfully,

SIGNED

James Dixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5552.

Choctaw MCR 5553

John Day Ridley

See MCR 5552

MCR 5553

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 12, 1902.

8853

In the matter of the application for identification as Mississippi Choctaws of John Day Ridley, for himself and his two minor children, Clarence E., and Audrey M. Ridley.

B. S. Johnson attorney for applicants.

John Day Ridley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Day Ridley.
Q What is your age? A Thirty-three.
Q What is your post office address? A Peoria, Texas.
Q Have you always lived in Texas? A Yes, sir.
Q Born and raised there? A Yes, sir.
Q Is your father living? A No, sir.
Q Your mother living? A Yes, sir.
Q What was your father's name? A Young Lafayette Ridley.
Q What is your mother's name? A Louisiana A. Ridley.
Q You claim through which parent father or mother? A Mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Is your mother living? A Yes, sir.
Q She made application this afternoon to be identified as a Mississippi Choctaw? A Yes, sir.
Q You claim through her? A Yes, sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; not that I knew of.
Q Are you married? A Yes, sir.
Q Your wife is living? A Yes, living.
Q Is a Choctaw Indian? A No, sir.
Q What is she? A I can't tell that; American I suppose.
Q Is she Choctaw or white? A White.
Q What is her name? A Leona M. Martin.
Q You make no application for your wife? A No, sir.
Q Have you any children that you want to make application for? A Yes, sir.
Q What is the name of the oldest? A Clarence E.
Q How old is Clarence? A About four years old.
Q What is the name of the next? A Audrey M.
Q A-u-d-r-e-y? A Yes, sir.
Q That is a girl? A Yes, a girl.
Q How old is Audrey? A She is past two years old.
Q What is the name of the next? A That is all.
Q You claim for yourself and these two children do you? A Yes, sir.
Q Is Leona M. Ridley the mother of these two children? A Yes, sir.
Q You and she and the children are living together at your home? A Yes, sir.

- Q Either you or your wife married before you married each other?
A No, sir.
- Q Have you proof of the marriage of yourself and wife with you? A
No, sir, not with me.
- Q You want time in which to present that proof of your marriage
with your wife? A Yes, sir.
- Q
A reasonable time is allowed this applicant for that pur-
pose.
- Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir; not that I know of.
- Q 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 before this time made application to any authori-
ty whatever for enrollment as a citizen of the Choctaw Nation
for yourself and children? A No, sir.
- Q Have never been admitted as a citizen of the Choctaw Nation
by either the Choctaw tribal authorities, the Commission to the
Five Civilized Tribes or the United States Court in Indian
Territory? A No, sir.
- Q 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 Not thoroughly

The treaty of 1830 was made between the United States govern-
ment and the Choctaw Indians at a place called Dancing Rabbit
Creek in the state of Mississippi. That treaty was some times
known by the name of the treaty of Dancing Rabbit Creek. The
government of the United States and the Choctaw Indians were
parties to the treaty. The object of that treaty was the removal
of 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 good many Choctaw
Indians would not go to the Choctaw Nation Indian Territory and
in order to protect the interests of these Indians who refused
to go they put article fourteen into the treaty of 1830. Article
fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and be-
come a citizen of the states shall be permitted to do so by sig-
nifying his intention to the Agent within six months from the
ratification of this treaty and he or she shall thereupon be
entitled to a reservation of one section of six hundred and forty
acres of land to be bounded by sectional lines of survey; in
like manner shall be entitled to one half that quantity for each
unmarried child which is living with him over ten years of age;
and a quarter 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 privi-
lege 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 Can you give me the name of your Choctaw ancestor, through whom you claim your right to be identified as a Mississippi Choctaw? My grandfather.
- Q Your mother claimed through Isiah Day; was he a kin of yours; do you claim through him? A I claim through my mother.
- Q Your mother claims through her great grandfather Isiah Day is that the one you are claiming through? A Yes, sir.
- Q What relation was he to you if you know? A My great-great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in the state of Mississippi in the old Choctaw Nation in 1830? A Yes, sir.
- Q Did he have a family there at that time? A Not that I know of.
- Q Don't know whether he was the head of a family there then? A Not that I know of.
- Q Can you give me the name of any Choctaw ancestor who was the head of a family in Mississippi or Alabama in the old Choctaw Nation in 1830? A No, sir; I cannot.
- Q You claim through your mother do you not? A Yes, sir.
- Q She has made application to be identified has she not? A Yes, sir.
- Q You want your case consolidated with hers so that they will be considered together? A Yes, sir.
- Q Also that of other relatives of yours who may make application to be identified as Mississippi Choctaws? A Yes, sir.
- Q You claim through your mother Louisiana A. Ridley; she claims through which parent father or mother? A Father.
- Q What was her father's name? A Isiah Cato Day.
- Q You claim through your mother Louisiana? A Yes, sir.
- Q She claims through her father or mother? A Her father.
- Q What was her father's name? A Isiah Cato Day.
- Q He claimed through his father or mother? A Father (Prompted)
- Q What was his name? A Elijah Day.
- Q That was a man? A Yes, sir.
- Q He claims through whom? A Isiah Day.
- Q How many of these ancestors that you have named lived in Mississippi in 1830? A Great grandfather.
- Q Isiah Day? A Yes sir; great great grandfather.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 when the treaty was ratified? A I believe great-great-grandfather did.--I don't know whether he did or not.
- Q Don't know whether any of your Choctaw ancestors owned any improvements on land or claimed any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of them within six months from the ratification of the treaty of 1830 and 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 Not that I know of.
- Q Did any of your Choctaw ancestors receive any benefits under article fourteen of any kind? A No, sir.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, 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 good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their lands and 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 Congress in 1837 appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 Congress appointed another Commission for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A None that I know of.
- Q Have you any evidence that you want to introduce now in support of this claim; have you any papers of any kind? A No, sir.
- Q Do you want any time in which to furnish other testimony? A Yes, sir.
- Q Thirty days time is allowed this applicant in which to introduce further testimony in support of this claim.
- Q Do you understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; median fair complexion; brown hair. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 18th day of May 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw 5653

Waskogee, Indian Territory, June 4, 1902.

B. S. Johnson,

Attorney at Law,

Warrant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 2, enclosing certified copy of the marriage license and certificate between J. D. Bidley and M. Lee Dunn, which you offer in support of the application of John Day Bidley, et al. for identification as Mississippi Choctaw, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M. C. R. 5553

Muskogee, Indian Territory, October 25, 1902.

John Day Ridley,
Peoria, Texas.

Dear Sir:

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bockout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 496) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence E. Ridley, Audrey M. Ridley, Charles Summerfield Ridley, Bettie L. Bockout, Mollie

1002--

N, Bookout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw Indians entitled 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 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).

Tams Bixby.
Acting Chairman.

Registered.

COPY

M.C.R. 5553

Muskogee, Indian Territory, March 9, 1903.

John Day Ridley,
Percia, Texas.

Dear Sir:

You are hereby notified that on the 24th day of February, 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 Louisiana Amanda Ridley, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

(SIGNED)

Tame

Chairman.

For Identification as a Mississippi Choctaw.

MAY 12 1902

Date

Name John Way Ridley

Age 33 - Blood 1116

Post-Office, Peoria, Texas.

Father: Young L. Ridley, d

Mother: Louisiana A. " l.

Claims through mother -
wife, Leona M. Ridley, l. w.
No claim for wife,

Children:

Clarence E. Ridley 4

Audrey M. " F. 2

Claim for self
& 2 children.

W. B. Ransom

Choctaw MCR 5554

Bettie L. Bookout

See MCR 5552

MCR 5554

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 12, 1908.

5654

In the matter of the application for identification as Mississippi Cheetaws of Bettie L. Bookout, for herself and her minor child, Mosie M. Bookout.

B. S. Johnson, attorney appearing for applicants.

Bettie L. Bookout being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bettie L. Bookout.
Q How do you spell that? A Be-t-t-i-e--B-o-o-k-o-u-t.
Q What is your age? A Thirty-one.
Q What is your post office address? A Hillsboro.
Q Texas? A Yes, sir.
Q How long have you lived at Hillsboro? A I live near there.
Q How long have you lived near there? A Seven years.
Q Where were you born? A In Hill County;----No, I was born in
Libert County, Texas.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Young L. Ridley.
Q What is your mother's name? A Louisiana A.
Q You claim through your mother? A Yes, sir.
Q How much Cheetaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized as a Cheetaw Indian or
enrolled as one by the Cheetaw tribal authorities or the United
authorities in Indian Territory? A No, sir; not that I know of.
Q Are you married? A Yes, sir.
Q How many children do you want to make application for? A One
Q What is your husband's name? A H. L. Bookout.
Q Is he an Indian? A No, sir,
Q White man? A No answer.
Q You make no claim for him? A No, sir.
Q What is the name of your child? A Mosie, M-o-s-i-e M. Bookout.
Q Is that a boy? A No, sir; a girl.
Q How old is Mosie? A She is five years old.
Q Are you and your husband and this child living together 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 Cheetaw Nation in Indian Territory? A No, sir neither
I know of.
Q Have you ever made application for citizenship in the Cheetaw
Nation to the Cheetaw tribal authorities in Indian Territory for
yourself and this child? A No, sir.
Q Have you ever made application for citizenship in the Cheetaw
Nation for yourself and this child to the Dawes Commission under
the act of Congress of June 10, 1896? A No, sir.

#2

- Q Is this the first application you have ever made for yourself and child for citizenship in the Choctaw Nation? A Yes, sir.
- Q You never have been admitted by any authority have you? A No, sir.
- Q Do you now come before this Commission for the purpose of being identified and for the identification of this child claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. It was made for the purpose of inducing all of the Choctaw Indians who lived in that old Choctaw Nation to go from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and therefore, in order to protect their interests article fourteen was drafted and put into the treaty of 1830. It reads as follows:

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

- Q You understand that article now well enough to claim under it? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or in any way attempted to comply with the provisions of that article? A No, sir.
- Q What is the name of your ancestor that you claim through now? A A Isiah Day.
- Q What relation to you was he? A Great-great grandfather.
- Q How much Choctaw blood did he have? A Whole.
- Q Did he live in Mississippi in 1830? A Yes, I think so.
- Q Was he the head of a family there at that time? A Yes; I reckon so I don't know.
- Q Can you trace your ancestry back from yourself to Isiah Day and show me through whom you claim; you claim through your mother? A Yes, sir.
- Q Your mother's name is Louisiana A. Ridley? A Yes, sir.
- Q She claims through whom? A My father.
- Q His name was what? A Isiah Cate Day.
- Q You claim through which parent father or mother? A His mother.
- Q What was his father's name? A Elijah Day.
- Q He claimed through whom, father or mother? A Through his father.
- Q And his name was what? A Isiah Day.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; not that I know of.

- Q Did any of your Choctaw ancestors claim any improvements or own any improvements on land in Mississippi or Alabama in 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any property whatever in the old Choctaw Nation under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- 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 the years 1835 and 1838 or forty? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was full ratified, were required if they wanted to take advantage of article fourteen of the treaty of Dancing Rabbit Creek, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect caused a good many Indians who had land in Mississippi to lose both their land and the improvements which they had upon it; they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission, one in 1837 and another in 1842, to go to Mississippi and hear claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty; do you know? A No, sir I never heard.
- Q Did you ever heard that any of your Choctaw ancestors received any certificates or scrip as they were called from the government which entitled them to select land either in Mississippi, Alabama Louisiana or Arkansas to take the place of land that they had once held in the old Choctaw Nation and which had been taken from them by the government and sold? A No, sir.
- Q This scrip or these certificates were issued under an act of Congress approved August 23rd 1842; you have some relatives who have appeared here to-day, have you? A Yes, sir.
- Q You have had no kin who have appeared before to-day have you to be identified? A No, sir.
- Q Your mother's case is number 5552, is it not, Louisiana A. Ridley? A Yes, sir.
- Q Who is John B. Ridley? A My brother.
- Q You have other relatives who have appeared? A Yes, sir.
- Q You want all these cases considered together? A Yes, sir.
- Q Have you any evidence you want to introduce? A No, sir.
- Q Would you like a little time in which to produce testimony? A Yes, sir.

Thirty days time will be allowed in which to introduce proper testimony in support of this application.

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Q You speak Choctaw? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Dark gray eyes; black hair; rather dark complexion. She does not speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Of 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 May 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of May 1902.

Rosenwinkel

Subscribed and sworn to before me this 15th day of May 1902.

Charles H. Henry

Notary Public.

COPY.

M.C.R. 5554

Muskogee, Indian Territory, October 25, 1902.

Bettie L. Bookout,
Hillsboro, Texas.

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws;

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bookout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5556

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence B. Ridley, Audrey N. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Marie

..3..

N. Beckwith, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw Indians entitled 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)

Tame Dixby.
Acting Chairman,

Registered.

COPY.

M.C.R. 5554

Muskogee, Indian Territory, March 9, 1903.

Bettie L. Bookout,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana Amanda Riley, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

NED)

Fame Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 12 1902

Name Bettie L. Bookout.

Age 30 - Blood 1/16

Post-Office, Killbuck, Tex.

Father: Young L. Ridley, d

Mother: Louisiana A. " l

Claims through ~~husband~~ mother
R. L. Bookout, W. L

No claim for husband

Children:

Mosie M. " F. 5

Claims for self and child -

Stenographer G Roemondie

Choctaw MCR 5555
Charles Summerfield
Ridley

See MCR 5552

MCR 5555

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 13, 1902.

5585

In the matter of the application of Charles Summerfield Ridley for identification as a Mississippi Choctaw.

B. S. Johnson attorney for applicant.

Charles Summerfield Ridley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charles Summerfield Ridley.
Q How old are you? A I am thirty years old.
Q How much Choctaw blood do you claim to be possessed of? A One-sixteenth.
Q What is your post office address? A Hillsboro, Hill County, Texas.
Q How long have you lived there? A Eleven years.
Q Where did you live before that? A In Peoria County, Texas.
Q Born in Texas? A Yes, sir.
Q Never lived anywhere else but the state of Texas? A No, sir.
Q Is your father living? A No, sir.
Q What was his name? A Young Lafayette Ridley.
Q How old would your father be if living now? A He would be close to sixty years old.
Q Is your mother living? A Yes, sir.
Q What is her name? A Louisiana A. Ridley.
Q How old is she? A She is fifty-six.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A No, sir.
Q This application is for yourself alone is it? A Yes, sir.
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No, sir.
Q Did you or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1897? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

- Q Have you ever prior to this time made application to either the Choctaw tribal authorities or the authorities of the United States to be admitted, or enrolled, as a citizen of the Choctaw Nation? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself, under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians, September twenty-seventh, eighteen hundred and thirty? A Yes, sir.

Q This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the twenty-seventh day of September, eighteen hundred and thirty. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, lying along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the Country they then occupied to a new Country West of the Mississippi River which is now known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws did not want to come to this new country but preferred to remain in what constituted the old Choctaw Nation and for their benefit and protection 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 elected to remain in the old Choctaw Nation, Mississippi and Alabama, and wanted to take advantage under its provisions, he should within six months from the date the treaty was ratified by Congress, Congress ratifying the treaty on the twenty-fourth day of February, eighteen hundred and thirty-one, go before the government agent there in the old Choctaw Nation and signify to him, that is tell him in some way that he wanted to remain in the old Choctaw Nation and become a citizen of the States and wanted to take land under the provisions of this article. After having done that he was entitled, as the head of a family, 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 years he was entitled to one half that quantity; or should

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 or one hundred and sixty acres. The reservation of the children to adjoin the reservation of the parents and this reservation to include any improvements owned by the head of the family at the time the treaty was made, September twenty-seventh, eighteen hundred and thirty. This article also required that after a Choctaw had received this land from the government he should reside upon it for a term of 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 those Choctaws who remained in the old Choctaw Nation, in Mississippi and Alabama, received land there and got their deeds or patents from the government if they ever removed after that time, were still entitled to citizenship in the Choctaw Nation but were not entitled to any portion of the Choctaw annuity. Annuities were moneys paid to the Choctaw Indians annually under treaty provisions.

- Q That is the article under which you claim and do you understand it? A Yes, sir.
- Q What is the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama, at the time this treaty was made September twenty-seventh, eighteen hundred and thirty? A Isiah Day.
- Q What relation are you to Isiah Day? A Great-great grandfather.
- Q You derive your Choctaw blood from your mother; who does she get her Choctaw blood from? A Her father.
- Q What was his name? A Isiah Cate Day.
- Q Who did Isiah Cate Day get his Choctaw blood from? A His father.
- Q What was his name? A Elisha Day.
- Q Who did Elisha Day get his Choctaw blood from? A From Isiah Day.
- Q How much Choctaw blood was Isiah Day possessed of? A Full blood.
- Q Was he a recognized member of the Choctaw tribe of Indians at the time this treaty was made, September twenty-seventh, 1830? A That is what I have been told.
- Q Have you any proof to offer that he was a recognized member of the Choctaw tribe of Indians at that time? A Only what my mother told me.
- Q Was he married and the head of a family at that time? A I could not tell you.
- Q Did he own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did he remove from the old Choctaw Nation Mississippi and Alabama to the Choctaw Nation Indian Territory at the time of the removal of the main portion of the Choctaws between the years 1833 and 1838? A Not that I know of.
- Q He remained in the old Choctaw Nation in Mississippi and Alabama did he? A I could not tell you.

- Q Did he within six months from the 24th of February 1831, that is the date this treaty was ratified by Congress, go before the government agent there in Mississippi and Alabama and tell him that he wanted to stay in that old Choctaw Nation, and take land there under this fourteenth article? A I don't know.
- Q Did he or any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians under this article? A Not that I know of.

In accordance with the provisions of this fourteenth article the government directed its agent, Colonel William Ward, to register the names of those Choctaws who wanted to remain in the old Choctaw Nation and wanted to take land under the provisions of this article. The records of the government show that this agent in a great many instances failed to report and register the names of a great many Choctaws who really did go before him and signify their intentions to stay there and take land and on this account the land which the Choctaws owned and which they desired reserved for them under this article was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress appointed a Commission to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims. One of these Commissions was appointed by act of Congress approved March 3rd 1837 and another Commission was appointed by act of Congress approved August 23rd 1842. These Commissions investigated a large number of claims, some they allowed and others were rejected. Of the claims allowed after approval by the Secretary of War and by the President if it was found that the land which they claimed had not been disposed of these Choctaws were given them; if however these lands had been sold and Choctaws had established their claims to them before either of these Commissions they were given scrip in lieu of this land under which they could locate on vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish any claims to land under article fourteen? A Not that I knew of.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip from the United States government for lands that had been taken from them and sold by the United States government? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians from the United States government? A Not that I know of.
- Q Do you know of the existence of any documentary evidence of any kind, any papers, deeds or patents that would tend to show that your Choctaw ancestors complied or attempted to comply with article fourteen of this treaty? A No, sir; not that I know of.
- Q Have you any evidence of any kind to offer other than your oral statement? A No, sir.
- Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A My mother.
- Q Do you desire to have your mother's case to be considered as evidence in your case and your case consolidated with your mother's? A Yes, sir.

#5

Q Have you any other statement that you desire to make now? A
A No, sir.

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

The applicant has dark brown hair; dark gray eyes; medium fair complexion. Was the appearance of a person of white parentage. He testifies that he has no knowledge of any act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians, September 27th 1830.

Reference is here made to Louisiana A. Ridley, et al., U.S.A., 5552.

C. 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 May 13, 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 May 1902.

C. Rosenwinkel

Subscribed and sworn to before me this 15th day of May 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5555

Muskogee, Indian Territory, October 25, 1902.

Charles Summerfield Ridley,
Hillsboro, Texas.

Dear Sir:

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bookout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

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 Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence E. Ridley, Audrey E. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Marie

M. Beckout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw Indians entitled 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)

Tame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 8858

Muskegee, Indian Territory, March 9, 1903.

Charles Summerfield Ridley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana Amanda Ridley, et al., of which decision you were advised by registered mail on the 26th day of October, 1902.

,Respectfully,

(SIGNED)

Chairman.

No.

5555

For Identification as a Mississippi Choctaw.

MAY 13 1902

Name ^{Date} Charles Sumnerfield Ridley

Age 30 Blood 1/16

Post-Office Hillsboro Texas

Father: Young Lafayette Ridley Oras

Mother: Louisiana A. Ridley ✓

Claims through mother

Children:

Choctaw MCR 5556

Isaac Crites

MCR 5556

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

In the matter of the application of Isaac Crites for
identification as a Mississippi Choctaw M C R 5556.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Isaac Crites.

	Page.
Original application of Isaac Crites before the Lawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission refusing the application of Isaac Crites for identification as a Mississippi Choctaw	7

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 13, 1902.

5556

In the matter of the application for identification as a
Mississippi Choctaw of Isaac Crites.

L. P. Hudson attorney appearing for applicants.

Isaac Crites being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Isaac Crites.
Q How old are you? A Twenty-six.
Q How much Choctaw blood do you claim to possess? A One-sixteenth.
Q What is your post office address? A Holdenville, I.T.
Q How long have you lived there? A I came there from Missouri
last December.
Q Were you born in Missouri? A Yes, sir.
Q Have you lived anywhere except Missouri and the Indian Terri-
tory? A Only just traveled around a lot.
Q But you had no permanent residence anywhere else? A Not that I
know of.
Q Well have you had any permanent residence except in the state of
Missouri and the Indian Territory? A No, sir.
Q Is your father living? A Yes, sir.
Q What is his name? A James Henderson Crites.
Q How old is your father? A He is about sixty I think.
Q Is your mother living? A No, sir.
Q What was her name? A Martha Jane Crites.
Q How old would she be if living now? A She would be about sixty-
four.
Q Through which one of your parents do you claim Choctaw blood?
A My father.
Q Has your father ever been recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in Indian
Territory? A No, sir.
Q Were your father and mother legally married? A Yes, sir.
Q When and where were they married? A I can't tell you.
Q Were they married under a marriage license? A Yes, I think.
Q Where were they married? A In Bowling Green, Missouri.

Attorney; we can furnish that evidence.

- Q Have you the marriage license and certificate that you want
to furnish the Commission? A I don't know.

Here L. P. Hudson, attorney for applicant, states that
marriage license referred to will be furnished in the near
future.

- Q Where was your father born? A In Missouri I think.
Q Is he living in Missouri at the present time? A Yes, sir.
Q Did he ever live in the state of Mississippi? A I don't reckon
he did.

#2

- Q Are you married? A No, sir.
- Q This application then is for yourself is it? A Yes, sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q You would know if your name was on the roll would you not? A No, sir; I never have tried to find out.
- Q Well who would put it there? A These ancestors I reckon.
- Q Who would put it there? A I don't know; I don't suppose my name is there.
- Q Did you 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 Not before this time.
- Q You are not making application before any authority of the Choctaw Nation now. This is the Commission to the Five Civilized Tribes; my question to you was, have you ever before made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No, sir.
- Q Do you come before the Commission at this time claiming a share in the lands of the Choctaw Nation, Indian Territory, for yourself under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw Indians September 27th, 1830? A Yes, sir.

This treaty was concluded at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. At the time the treaty was concluded the Choctaws occupied a portion of the state of Mississippi and a portion of the state of Alabama lying along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country West of the Mississippi River which is now the Choctaw Nation Indian Territory. At the time the treaty was made a great many of the Choctaws did not want to remove to this new country but preferred to remain in what constituted the old Choctaw Nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty. That article fourteen is a part of the treaty of 1830 and reads as follows:

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

that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it, Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw elected to remain in the old Choctaw Nation, he should within six months from the ratification of the treaty, Congress ratifying the treaty on the 24th day of February 1831, go before the United States Agent there in Mississippi and signify to him, that is tell him in some way, that he wanted to remain in the old Choctaw Nation; after having done that he was entitled to a reservation of one section of six hundred and forty acres of land and for each child in his family unmarried and over ten years of age he was entitled to one half that quantity and for each child in his family under ten years of age, he was entitled to one-quarter section or one hundred and sixty acres, the reservations of the children to adjoin the reservation of the parents and these reservation to include any improvements owned by the head of the family at the time the treaty was concluded September 27th 1830. This article also required that after a Choctaw had received his land he should reside upon the same for a term of 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 reads as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that a Choctaw who remained in the old Choctaw Nation and complied with the provisions of this article by taking his land did not forfeit the right to Citizenship in the Choctaw Nation, Indian Territory, if he should ever remove from there but that he should lose all right to share in the Choctaw annuities. Annuities were moneys paid to the Choctaw Indians under treaty provisions.

- Q Is that the article that you make your claim under and do you understand it? A Yes, sir.
- Q What is the name of your Choctaw ancestor who resided in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.
- Q You claim your Choctaw blood from your father? A Yes, sir.
- Q Which one of your father's parents does he get his Choctaw blood from? A Mother.
- Q What was his mother's name? A Fannie Cootes.
- Q Was Fannie Cootes married and the head of a family in 1830? A I don't know.
- Q Who did Fannie Cootes get her Choctaw blood from; which one of her parents? A It was the Cootes' side.
- Q Was it a male or female that she got her Choctaw blood from? A She was a daughter of John Cootes.
- Q Was John Cootes a Choctaw Indian? A I don't know.
- Q Do you know which one of your Choctaw ancestors was married and the head of a family in 1830? A No, sir.
- Q Do you know the name of your Choctaw ancestor who resided in the old Choctaw Nation in Mississippi and Alabama at the time

- this treaty was made? A No, sir.
 Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians September 27th 1830, at the time this treaty was made? A No, I think not; not that I know of.
 Q Did any of your Choctaw ancestors or did Fannie Coates or her father or mother own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know
 Q Did Fannie Coates or her father or mother remove from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws from the old Choctaw Nation to the Choctaw Nation Indian Territory? I don't know; Fannie Coates did not.
 Q Do you know whether any of your Choctaw ancestors did? A No, sir.
 Q Is Fannie Coates living? A Yes, sir.
 Q Where does she live? A Bollinger County, Missouri.
 Q Where was Fannie Coates born? A I don't know.
 Q How old a woman is she? A Upward of eighty.
 Q She is upward of eighty? A Yes, sir.
 Q Is it nearer eighty-five or eighty? A I don't know that.
 Q Have you ever heard her say where she was living in 1830? A I never heard her say.
 Q How long has she lived in Missouri? A Sixty years anyway.
 Q Your father was born in Missouri? A Yes, sir.
 Q He is sixty years of age now? A Yes, sir.
 Q Has your father any brothers or sisters older than he? A Yes; I think so.
 Q How much older is the oldest brother or sister than he? A I could not tell you.
 Q Don't you know how much older your oldest uncle or aunt is? A I don't know.
 Q But he had some older? A I think he is about the oldest.
 Q Well you stated a little while ago that he had some older ones? A Yes; I think one or two.
 Q How much older than your father are they do you think? A About two or three years.
 Q Do you know whether any of your Choctaw ancestors within six months from the 24th day of February 1831 went before the United States Indian Agent in the old Choctaw Nation in Mississippi and told him that they wanted to stay in Mississippi, take land there and become citizens of the states, under this article? A No, sir.
 Q Do you know whether any of your Choctaw ancestors ever claimed or received any land under article fourteen of this treaty? A No, sir.

In accordance with the provisions of this article the government directed an Agent to register the names of those Choctaw Indians who wanted to stay in the old Choctaw Nation. The records of the government show that this agent, in a great many instances to register the names of those Choctaws who really did appear before him and tell him that he wanted to stay and take land there. on this account the lands which the Choctaws wanted reserved for them were sold by the government at its public land sales; this caused a great many complaints among the Choctaws and these complaints finally reached Congress and Congress authorized Commissions under acts of Congress of March 3rd 1837 and August 31st 1842 to go into the old Choctaw Nation and examine into these claims. These Commissions examined a number of claims allowed some and rejected others; of the claims allowed

if it was found that the land had not been disposed of it was given to the Choctaws, if however it was found that the land had been sold they were given scrip under which they could locate on vacant government lands in either Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and establish or attempt to establish claims to land under the fourteenth article? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government for land which had been taken from them by the government and sold? A I don't know.
- Q Did any of your Choctaw ancestors own any land in either of these states, Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q Do you know of the existence of any written evidence, such as deeds to lands or patents or proof of any kind that would tend to show that your ancestors ever received any land from the United States government as Choctaw Indians? A No, sir.
- Q Have you ever heard it said in your family that your Choctaw ancestor ever received any land from the United States government as Choctaw Indians? A No, sir; I never heard it.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits as Choctaw Indians? A No, sir.
- Q Have you any evidence of any kind that you want to present before the Commission at this time other than your oral statement that would tend to show that your ancestors ever complied or attempted to comply with this fourteenth article of the treaty of 1830? A -----

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty days from this date.

Motion granted.

- Q Any other statement you desire to make in support of your claim now? A No, sir.
- Q Have you any evidence that you want to offer at this time? A No, No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

The applicant has brown hair; brown eyes; medium fair complexion. Has the appearance of a person of white parentage; has little or no knowledge of his ancestors beyond his grandmother and testifies that he has no knowledge of any act of compliance on her part, or any of his ancestors, with any of the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September twenty-seventh, eighteen hundred and thirty.

- Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws? A No, sir.

- Q. Name of your relatives have made application of any kind? A. None that I know of.
- Q. You are the first one of your family to make appearance? A. Yes, I think so.

Q. 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 May 13, 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 May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of May 1902.

Charles H. Sawyer
Notary Public.

L. & D.
C. v. W.

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

In the matter of the application of Isaac Grites for
identification as a Mississippi Choctaw, N U R 5554.

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 Grites for himself under the following provision of the
act of Congress approved June 20, 1898, (30 Stat., 495):

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

It also appears that 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

and of one Fannie Coates, who is alleged to have been a Choctaw Indian, (degree of blood not known).

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., 381).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Fannie Coates 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, 1827, (5 Stats., 180), and August 22, 1845, (5 Stats., 813).

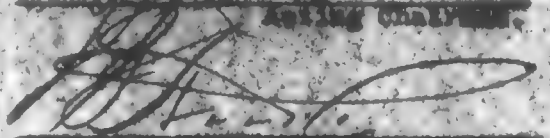
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Coates as a Choctaw Indian entitled to rights in the Choctaw

lines 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.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Levin Bixby.

Acting Chairman.



Commissioner.

(SIGNED)

C. E. Breckinridge.

Commissioner.

Washington, Indian Territory,

NOV 1 1902

~~NOTICE OF DECISION FORWARDED
APPLICANT~~

NOV 1 1902

~~RECORD FORWARDED DEPARTMENT~~

COPY.

Muskogee, Indian Territory, November 1, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Crites, 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 the evidence herein is insufficient to determine the identity of Isaac Crites, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered".

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

X 1000 A 3-2.

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,

Yours,

Tamie Dixey
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 1, 1902.

Isaac Crites,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Crites, an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Crites, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered".

You are further advised that you will be allowed fifteen

NOV 1 1902

I C-8.

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,

Fame Dixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Isaac Crites, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of November 1st, 1902.

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,

James Birney
Acting Chairman.

Through the Commissioner
of Indian Affairs.

No. M O R 5556.

Land.
69,844-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

February 11, 1903.

The Honorable
The Secretary of the Interior.
Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Isaac Crites for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the commission on November 1, 1903.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Fannie Coates, who, it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the name of the ancestor through whom he claims 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 applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Fannie Coates, and it is discovered

-2-

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 true, it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

D.C. No. 6259

ITD. 1584-1903.
LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

(COPY)

March 3, 1903.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Isaac Crites as a Mississippi Choctaw, including your decision of November 1, 1902, denying the application.

The applicant claims to be a descendant of one Fannie Cootes, who is alleged to have been a Choctaw Indian.

The records fail to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Fannie Cootes 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., 512).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

~~The Department~~ ~~firmly~~ ~~the~~ ~~decision~~ ~~referred.~~

Respectfully,

Thos Ryan

Acting Secretary.

1 enclosure.

N.C.R. 5886.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Isaac Crites,
Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Tamé Bixby.
Chairman.

M.C.R. 5556.

COPY.

Muskegee, Indian Territory, March 12, 1903.

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

Gentlemen:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Isaac Crites, of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

Tarne Bixby.
Chairman.

No. 5556

For Identification as a Mississippi Choctaw.

Date **MAY 13 1902**
Name *Joas Crites*
Age *26* Blood *1/16*
Post-Office, *Holdenville I.T.*
Father: *James N. Crites* ✓
Mother: *Martha Jane Crites* *Deas*
Claims through *father*

Children:

Stenographer *G. Rosenwinkel*

Choctaw MCR 5557

Mattie Emma Ridley

See MCR 5552

MCR 5557

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 23, 1902.

5557

In the matter of the application of Mattie Emma Ridley for identification as a Mississippi Choctaw.

B.S. Johnson, attorney for applicant.

Mattie Emma Ridley being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie Emma Ridley:R-i-d-l-e-y.
Q What is your age? A Twenty eight.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived at Hillsboro? A Five years.
Q Where did you live before that? A Peoria, Texas.
Q Where were you born? A At Liberty County, Texas.
Q You always lived in Texas, then? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Young B. Ridley.
Q What is your mother's name? A Louisiana A. Ridley.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim just for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
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, 1900? A No sir.

Q Have you ever made applicatin for citizenship in the Choctaw Nation to any authority whatever previous to your present application made at this time? A No sir.

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

Q Do you now seek to beco me identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Understand that article? A I have heard you read it through.

Q Do you think you understand it well enough now? A Yes sir.

The treaty reads as follows, without the explanation: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter 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 What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Isiah Day.

Q what relation was he to you? A He was a full blood.

Q But what relation to you? A My great great grandfather.

Q Did he live in the State of Mississippi in 1830? A Yes sir.

Q Was he the head of a family there then? A I suppose so.

Q Is that a matter of family history and tradition- that is, did you hear that from members of the family? A Through my mother.

Q How old would Isiah Day be if living now? A I don't know.

Q You claim through your mother, don't you? A Yes sir.

Q She claims through which parent? A Her father, Isiah Gates Day

Q Isiah Gates Day claimed through which parent? A His father Elijah Day.

Q Elijah day claimed through whom? A His father, Isiah day.

Q Do you know whether any of these other ancestors that you have named lived in Mississippi or Alabama in the old Choctaw nation? A My great grandfather lived on the Mississippi River.

Q His name was what? A Elijah Day.

Q In Mississippi? A Yes, and he moved to Texas and died in 1856.

Q How old was he when he died? 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 signify to him their intention to stay in Mississippi, take land there and become citizens of the States? A Not as I knew of.

Q Did any of your Mississippi Choctaw ancestors go from that old Choctaw nation, East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838?

A I don't know.

Q Did any of them to your knowledge own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A No sir.

Q Did you ever hear that any of them had any patent or any scrip issued to them by the Government showing that they had complied or attempted to comply with article fourteen of the treaty? A No sir.

The Choctaw Indians who remained in the old Choctaw nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to signify to the United States Indian agent, within six months after the ratification of the treaty their intention to remain in Mississippi, take land there and become citizens of the States. If they did this, then they might have all the privileges of the Choctaw Indian with the other Indians, if they afterwards moved to the Choctaw Nation, Indian Territory, except the right to share in the annuities. A good many Choctaw Indians attempted to register before Col. Ward under article fourteen of the treaty of 1830 but he neglected to put their names on his list; his neglect to do so caused a great many Indians who had lands in the old Choctaw Nation mostly in Mississippi, to have it taken from them by the Government and sold at Public Land Sale, so in 1837 by an act approved March 3, that year, a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, 1842, 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 to your knowledge and claim any such benefits as Choctaw Indians? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which the Government had taken from them and sold in the old Choctaw nation? A I don't know.

Q Has your mother made application here before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Q Her name is what? A Rosanna A. Day.

Q May I? A Yes sir.

Q You would like to have your case consolidated with hers and all others claiming through the same ancestor? A Yes sir.

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

Q Have you any proof that you want to bring now? A No sir.

Q Do you care for any time?

(Thirty days time is allowed this applicant, on request of attorney for applicant, in which to introduce further testimony if she desires in this application.)

This applicant has the appearance and physical characteristics of being descended from white parentage: medium fair complexion, blue eyes, and dark brown hair. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on May 13, 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 19 day of May, 1902.

Charles H. Hays

Notary Public.

COPY

M.C.R. 5557

Muskogee, Indian Territory, October 25, 1902.

Mattie Emma Ridley,
Hillsboro, Texas.

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 Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Bookout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

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 Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence E. Ridley,

--2--

Audrey M. Ridley, Charles Summerfield Ridley, Bettie L. Bookout, Mosis M. Bookout, Mattie Emma Ridley and Ida Gertrude Ridley, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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,

(SIGNET)

Tame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5557

Muskogee, Indian Territory, March 9, 1903

Mattie Emma Ridley,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana Amanda Ridley, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

(SIGNED)

James I.

Chairman.

For Identification as a Mississippi Choctaw.

Date

MAY 13 1902

Name *Mattie Emma Ridley*Age *28* - Blood *1/16*Post-Office. *Hillboro, Texas.*Father: *Young L. Ridley, d.*Mother: *Louisa A. ... l.*Claims through *mother*

Children:

*Claims for self
alone*Stenographer *H. W. Haines*

Choctaw MCR 5558

Ida Gertrude Ridley

See MCR 5552

MCR 5558

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. May 13, 1908.

5558

In the matter of the application of Ida Gertrude Ridley for
identification as a Mississippi Choctaw.

B.S. Johnson attorney for applicant.

Ida Gertrude Ridley being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Gertrude Ridley.
Q What is your age? A Twenty three.
Q What is your post office address? A Hillsboro, Texas; Hill
County.
Q How long have you lived there? A Five years.
Q Where did you live before that? A Peoria Texas.
Q Where were you born? A Liberty County, Texas.
Q You have always lived in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q Your father's name was what? A Young L. Ridley.
Q What is your mother's name? A Louisiana A. Ridley.
Q You claim through your mother, don't you? A Yes sir.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw trib-
al authorities or the authorities of the United States in the
Indian Territory? A No sir.
Q You are not 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 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 Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

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

Q Is this the first application you have ever made to any authority what ever for enrollment as a Choctaw Indian? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the treaty? A Well, I have heard it several times.

Q Would you like to have it explained? A I understand it as much now as I will when you explain it.

Q I will explain it to you again if you wish. A Go ahead.

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 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 West of the Mississippi River and in order to protect their interests article fourteen was put into the treaty; the treaty was then signed and afterwards became 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 Now, did any of your Choctaw ancestors comply with that article of that treaty? Or attempt to? A I can't tell you.

Q What is the name of your ancestor that you are claiming through now? A Isaiah Day.

Q I-s-i-a-h? A Yes sir.

Q What relation is he to you? A Great great grandfather.

Q Did he speak the Choctaw language? A I don't know sir; but my mother's father spoke it.

Q You claim through your mother? A Yes sir.

Q She claimed through whom? A Her father.

- Q What was his name? A Isiah Gates Day.
- Q And you say he spoke the Choctaw language? A Yes, and mother can say some words.
- Q Did you ever hear him speak Choctaw? A No sir; I was five months old when he died.
- Q Did he live in Mississippi at any time? A I don't know; I guess not.
- Q Whom did he claim through? A His father, I have been told.
- Q His name was what? A Elijah Day.
- Q And he claimed through whom? A His father, Isiah Day.
- Q Now, did Isiah Day live in Mississippi in the old Choctaw nation in 1830 and have a family there then? A I suppose so.
- Q Is that a matter of what you have heard in the family? A Yes sir.
- Q He was head of a family in Mississippi in 1830, then, was he, you think from what you have heard? A Yes sir.
- Q You don't know how old he would be if living now? A He would be pretty old I reckon; up to 200 I reckon; 'cause mother's father was 67 when he died; then his father must have been upwards of 100; well, he must have been very old, about 150 may be;-- I don't know-- I just imagine that;-- I don't know.
- Q You haven't the records to show the age? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors 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 you ever hear that any of them had any patents issued to them from the Government for lands in the old Choctaw Nation or any scrip issued to them or anything as evidence that they had complied or attempted to comply with article fourteen of the treaty? 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 guess not; I don't know--

The Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified-- a great many of them went to the United States Indian agent and told him that they wanted to stay in Mississippi, take land there and become citizens of the states--- it was required of them by article fourteen, if they wanted to take advantage of that article; but Col. Ward failed to put the names of most of these applicants upon his list; this caused so many complaints among the Indians that Congress appointed a Commission in 1837 and one in 1842; these Commissions 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 any benefits under that article of that treaty? A I don't know.

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

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes those here; my mother and sisters.

Q What is your mother's name? A Louisiana A. Ridley.

Q Do you want to have all these cases consolidated with yours? A Yes sir.

Q Have you any other evidence you would like to introduce now? A No sir.

Q Do you care for any time in which to introduce further proof, if necessary? A Yes sir.

(Thirty days time is allowed this applicant in which to further furnish proof or evidence if she desires.)

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

This applicant has the appearance and physical characteristics of being descended from white parentage: she has dark complexion, dark blue eyes, dark brown hair, very nearly black. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 13, 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 19 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5558

Muskogee, Indian Territory, October 25, 1902.

Ida Gertrude Ridley,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 26th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Louisiana Amanda Ridley, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisiana Amanda Ridley, et al.,	M.C.R. 5552
John Day Ridley, et al.,	" 5553
Charles Summerfield Ridley,	" 5555
Bettie L. Beckout, et al.,	" 5554
Mattie Emma Ridley,	" 5557
Ida Gertrude Ridley,	" 5558

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 496), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisiana Amanda Ridley, Amanda Young Ridley, John Day Ridley, Clarence N. Ridley,

Amarey M. Ridley, Charles Summerfield Ridley, Bettie L. Beckout, Masie
M. Beckout, Mattie Emma Ridley and Ida Gertrude Ridley, as Choctaw
Indians entitled 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-
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,

(SIGNED).

Jame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5558

Muskogee, Indian Territory, March 9, 1903.

Ida Gertrude Ridley,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisiana ~~Ida~~ Ridley, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

James D. [unclear]
Chairman.

For Identification as a Mississippi Choctaw.

Date

MAY 13 1902.

Name *Ida Gertrude Ridley.*

Age *23* — Blood *1/16*

Post-Office, *Hillsboro, Tex.*

Father, *Young L. Ridley, d*

Mother: *Louisa A. " " l*

Claims through *mother,*

Children

*Claims for self
alone.*

Stenographer *H. G. Hains.*

Choctaw MCR 5559

Julia A. Wells

See MCR 4006

MCR 5559

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, D.C., May 13, 1902.

5542

In the matter of the application of Julia A. Wells for identification as a Mississippi Choctaw.

J.G. Balls attorney for applicant.

Julia A. Wells being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Julia A. Wells.
Q What is your age? A Twenty years.
Q What is your post office address? A Sulphur Bluff, Hopkins County Texas.
Q How long have you lived at Sulphur Bluff? A Three years.
Q Where did you live before that? A Bell County.
Q Have you always lived in Texas? A Yes sir.
Q You were born in what place in Texas? A Graybill, Collin County.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A John F. Sanders.
Q What was your mother's name? A Elizabeth J. Sanders.
Q You claim through which parent father or mother? A father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Well, he has come before this Commission.
Q To be identified as a Mississippi Choctaw? A Yes sir.
Q Was he ever before the Commission except that time? A No sir.
Q Do you know when he came before this Commission to be identified as a Mississippi Choctaw? A Well before last.
Q Have you proof of the marriage of your father and mother with you?
A No sir.
Q You can introduce that later?
(Attorney for applicant says he thinks it was filed in the father's case.)
Q Are you married? A No sir.

- Q What is your husband's name? A William H. Wells.
Q He is living is he? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Do you make application for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever before this time sought to become enrolled as a Choctaw Indian by making any application to any authority whatever? A No sir.
Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission that you may be heard on an application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I know it substantially.
Q Care for any further explanation? 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 You understand that article, do you think? A Yes sir.
Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Keshiah Thompson. Maiden name was Brashers.
Q Keshiah Brashers who married Thompson; what was this Thompson's full name? A Fleming Thompson.
Q Did she live in Mississippi in 1830? A I don't know.

- Q You don't know whether she lived in the old Choctaw nation in Mississippi or Alabama in 1830 and was head of a family there then?
A No sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have any other name; did she have a Choctaw Indian name?
A I don't know.
- Q Did she or any of your ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know that either.
- Q Did she or 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 she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of 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? A I don't know.
- Q Do you know whether any of them within six months after the ratification of the treaty of 1830 went to the United States Indian agent Col. Ward at his agency in Mississippi and told 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 that.

The Choctaw Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this, whose names Col. Ward neglected to put upon his list known as ward's Register, and his neglect to do this caused many Indians who had land in the old Choctaw Nation to lose it and the improvements they had upon it. Both were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Choctaw Indians that as a result of the complaints in 1837 by an act approved March 3, that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions that of 1837 or 1842 and claimed any rights under that article of that treaty? A No sir, I don't.
- Q Did any of them receive any scrip from the Government as Choctaw Indians which authorized them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had once held in the old Choctaw nation but which the Government had taken from them? A I don't know.
- Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor you claim through? A Yes sir.
- Q Give me the name of one or two, A Scott S. Dumas and Mal Dumas.

Q You would like to have your case consolidated under his case as principal case, would you? A Yes sir.

(Case of Scott S. Dumas et al., M.C.R. 4006 is here referred to by Applicant as a principal case with which she would like to have hers consolidated.)

Q -Have you any other evidence you want to introduce now? A Well, I have my marriage license if you want it.

(Attorney for applicant says he don't think it is necessary to file it.)

Q Have you any other evidence you want to file? A ---

If he is allowed this applicant up to June 1, 1902, in which to furnish any other evidence she may desire in support of this case)

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

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

(To attorney) Q No questions, Judge? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion, light hair. Has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry S. 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 May 13, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

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

Charles W. Sawyer

Notary Public.

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

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5889.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Julia A. Wells,
Sulphur Bluff, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4922
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicolds, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4813
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. R. 4815

Thomas H. Hollis,	M. C. R. 4809
Blanche G. Merchant,	M. C. R. 4923
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John B. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4889
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 8414
Winnie D. Canon,	M. C. R. 8415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6842
Lawrence L. Thompson, et al.,	M. C. R. 6878

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missianiah Ellison, Leaa Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolvertou, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

James Dinky

Chairman.

Registered.

MOR-6589

COPY.

Kuskogee, Indian Territory, January 22, 1906.

Julia A. Wells,

Sulphur Bluff, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *Tamo Bixby.*

Commissioner.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Julia A. Wells, in the matter of her application for identification as a Mississippi Choctaw, M.C. 5559.

Dated at Muskogee, Indian Territory, June 30, 1902.

J. G. K. C. C.

For Identification as a Mississippi Choctaw.

Date MAY 13 1902

Name Julia A. Wells,

Age 20 Blood 1/32

Post-Office, Sopher Bluff, Tex.

Father: John F. Sanders, l.

Mother: Elizabeth J. " l.

Claims through ~~husband~~ father. —
William H. Wells, l. w.

No claim for husband

Children:

claims for self
alone

Stenographer H. A. Hains,

Choctaw MCR 5560

James L. Sanders

See MCR 4006

MCR 5560

Department of the Interior,
Commission to the five Civilized Tribes.
Muskegee, I.T. May 13, 1902.

6560

In the matter of the Application of James L. Sanders for identification as a Mississippi Choctaw,

J.C. Ralls attorney for applicant.

James L. Sanders being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James L. Sanders.
Q What is your age? A Twenty four.
Q What is your post office address? A Sulphur Springs Bluffs, Texas.
Q How long have you lived there? A Three years.
Q Where were you born? A Collin County, Texas.
Q Have you always lived 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 John F. Sanders.
Q What is your mother's name? A Elizabeth J. Sanders.
Q Through which parent do you claim Choctaw blood? A My father's side.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Yes, he has been here.
Q Has he been enrolled by the Choctaw tribal authorities? A No sir.
Q You mean he has made application before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q You don't mean to say he has been enrolled by the Choctaw Nation yet? A No sir.

- Q What are you here for today? A To be identified.
Q Then you haven't been identified before have you? A No sir.
Q Now, then the question is, has your father ever been made a citizen of the Choctaw Nation? A I don't know.
Q Have you evidence of the marriage of your father and mother with you now? A

(Attorney for applicant says that has been filed in the father's case.)

- Q Are you married or single? A Single.
Q You claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article do you think? A I think so.
Q You don't care for any more explanation of it, then? A No sir.
Q It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q Now do you think or knew that any of your Choctaw ancestors complied or attempted 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 Keziah Brasher was her maiden name.

- A Fleming Thompson.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know anything about whether any of your Choctaw ancestors lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was head of a family there? A I don't know.
- Q You don't know anything about your ancestry? A No sir.
- Q You can't tell when and where Keziah Thompson was born and when or where she was died? A She died in Collin County, Texas.
- Q Do you know when and where she was born? A I don't know.
- Q You claim through your father; he is living and has been before the Commission? A Yes sir.
- Q Do you want your case consolidated with his and others relatives who claim through the same common ancestor with you? A Yes sir.
- Q Is Scott S. Dumas related to you? A Second cousin.

M.C.R. 4006 case of Scott S. Dumas et al., is here referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors own any scrip- 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 East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians? A I don't know.
- Q This expulsion occurred between the years 1833 to 1838 and those Indians were removed at the expense of the United States Government do you know whether your ancestors went at that time? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation East of the Mississippi River under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the provisions of that treaty were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Col. Ward within six months 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 Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and his failure to do this caused many Indians to lose their lands they had there together with the improvements thereon; both were taken from them by the Government and sold at Public Land Sale; this caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress 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; this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your ancestors go before either of these two Commissions and claim any benefits under article fourteen of that treaty?

A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which they claimed to have held previously in the old Choctaw nation and which the Government had taken from them? A I don't know.

Q Have you any other evidence you want to introduce at this time?

A No sir.

Q Do you want time?

(This applicant is allowed till June 1, 1902, in which to produce other testimony in support of his claim if he desires to do so.)

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

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, light hair and blue eyes. He does not speak or 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 May 13, 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 19 day of May, 1902.

Charles W. Sawyer

Notary Public.

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

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5560.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James L. Sanders,
Sulphur Bluff, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5808
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4813
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. R. 4815

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adela Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Firis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amnon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Mionie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

Sam Doby.

Chairman.

Registered.

MOR-5560.

COPY.

Muskogee, Indian Territory. January 22, 1906.

James L. Sanders,
Sulphur Bluff, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Damas, et al., of which your application for identification as a Mississippi Choctaw, is a part.

Respectfully,

James Bixby.

Commissioner.

No.

5580

For Identification as a Mississippi Choctaw.

Date

MAY 13 1902

Name

James L. Sanders.

Age

24

Blood

1/32.

Post-Office,

Sulphur Bluff, Tex.

Father,

John T. Sanders, l.

Mother:

Elizabeth J. " l.

Claims through

father -

Children

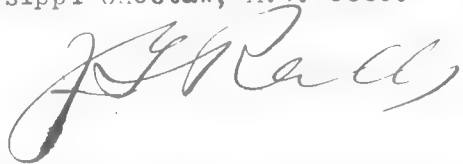
Claims for self
alone -

Stenographer

H. H. Hains -

Received of the Commission to the Five Civilized Tribes one copy of the testimony of James L. Sanders in the matter of his application for identification as a Mississippi Choctaw, M.C. 5560.

Dated at Muskogee, Indian Territory, June 30, 1902.

A handwritten signature in cursive script, appearing to read "J. G. R. C.", is written in dark ink on the right side of the document.

Choctaw MCR 5561

William Judson Cartwright

See MCR #145

MCR 5561

COPY.

A. S. 2

Miss. Choctaw R 148

The only authority vested in the Commission to identify
Mississippi Choctaw, Muskogee, Indian Territory, June 4, 1902.
The first section of the act of Congress of June 20, 1902, and
is as follows:

Anna Cartwright
The Commission shall have authority to determine the
identity of Choctaw Indians residing in the Choctaw lands
under article 11 of the Treaty of 1830 between the United States and
the Choctaw Indians, concluded September twenty-seventh, 1830.
Dear Madam
and perform all other acts necessary.

On May 14, 1902, receipt was acknowledged of the affidavit
of Anna Cartwright and W. E. Pollett relative to the birth of William
Judson Cartwright, born April 2, 1902, 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
Anna Cartwright, who was an applicant to this Commission for the
identification of herself and her minor children as Mississippi
Choctaws.

In this case, of which you were duly advised on May 14, 1902.
You are advised in regard to the application of Anna Cart-
wright, that on April 15, 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 identifi-
cation as Mississippi Choctaws as the descendants of Choctaw Indians
who resided in Mississippi in 1830 and whose rights under the fourth
article of the Treaty of 1830 were favorably adjudicated.

A C 2

The only authority vested in the Commission to identify the so-called Mississippi Choctaws is contained in a paragraph of the twenty-first section of the act of Congress of June 28, 1898, and is as follows:

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

The Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw Indians whose rights under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated, and this Anna Cartwright has failed entirely to do.

On April 21, 1902, the record in this case was forwarded to the Secretary of the Interior for his review and on May 21, 1902, the Secretary of the Interior affirmed the decision of the Commission in this case, of which action you were duly advised on May 29, 1902.

As the rights of your child are entirely dependent upon your recognition and identification as a Mississippi Choctaw and as the Commission and the Secretary of the Interior have decided that you are not entitled to such identification, the Commission cannot further consider the application for the identification of your child, William Judson Cartwright, as a Mississippi Choctaw Indian entitled to rights in the Choctaw lands under the provisions of

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

A 0 3

IN RE Application for Enrollment, as a citizen of the
 the fourteenth article of the Cherokee treaty of 1838 and has this
 of *William Madison Cartwright* on the *2* day of *April* 1902
 day made the application submitted by you a part of the record in
 Name of Father: *W. M. Cartwright* a citizen of the
 the case of *Anna Cartwright, et al.*
 Name of Mother: *Anna Cartwright* a citizen of the
 Young family

TESTIMONY OF MOTHER *W. M. Cartwright*

UNITED STATES OF AMERICA

Acting Chairman.

I, *Anna Cartwright*
 years of age and a citizen, by *David* of the *Cherokee* Nation,
 that I am the lawful wife of *W. M. Cartwright, Sr.*
 born to me on the *2* day of *April* 1838
William Madison Cartwright, Sr.

W. M. Cartwright

TESTIMONY OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA

W. M. Cartwright

W. M. Cartwright

ACTING SECRETARY

[Handwritten signature]

MAY 14 1902

FILED

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Nation, of William Judson Cartwright born on the 2 day of April, 1902. Name of Father: W. N. Cartwright, a citizen of the Nation. Name of Mother: Anna Cartwright, a citizen of the Nation. Post-office, Tishomingo, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, S. I. T. District.

I, Anna Cartwright, on oath state that I am 38 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of W. N. Cartwright, who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on the 2 day of April, 1902 that said child has been named William Judson Cartwright and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses) H. O. Newman, Anna Cartwright

Subscribed and sworn to before me this 8 day of May, 1902

Wm. Lucas, NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, S. I. T. District.

I, W. E. Pollett, a Physician, on oath state that I attended on Mrs. Anna Cartwright, wife of W. N. Cartwright, on the 2 day of April, 1902 that there was born to her on said date a male child; that said child is now living and is said to have been named William Judson Cartwright.

WITNESSES TO MARK:

(Must be Two Witnesses) H. O. Newman, W. E. Pollett M.D.

Subscribed and sworn to before me this 8 day of May, 1902

Wm. Lucas, NOTARY PUBLIC.

Choctaw MCR 5562

Lewis J. Draper

See MCR 5735

MCR 5562

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 14, 1902.

5562

In the matter of the application for identification as Mississippi Choctaws of Lewis J. Draper for himself and his eight minor children, Asa W., John H., Lottie A., George Andrew, Jeddie H., Ora B., Lewis and Leroy L. Draper.

Applicants not represented by attorney.

Lewis J. Draper being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lewis J. Draper.
Q L-e-w or L-s-u? A L-s-w.
Q D-r-a-p-e-r? A Yes, sir.
Q What is your name? A I am forty-eight.
Q What is your post office address? A Cadde.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Cadde? A Four years the twenty-fifth of this coming December.
Q Have you lived in the Territory before that? A No, sir; that is the first time I was ever in the Territory.
Q Where did you come from? A From Arkansas; I came from Mississippi.
Q Born in Mississippi? A Yes, sir.
Q Where did you live in Mississippi? A Pontotoc County.
Q Where did you live in Arkansas? A In Pike County.
Q Is your father living? A No, sir; he died in sixty-one.
Q Is your mother living? A No, sir.
Q What was your father's name? A Andrew Jackson Draper.
Q What was your mother's name? A Ellen Caroline.
Q Ellen C. Draper? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A My father's mother was a half breed Choctaw woman.
Q Your father would be one-quarter? A Yes, sir.
Q You would be one-eighth? A Yes, sir.
Q You claim one-eighth? A Yes, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir; not with me.
Q Can you introduce that later? A I think so; my father died when we was all small; he died in sixty-one. I have a brother that has got this record.
Q You can prove the marriage of your father and mother later if given time? A I think my brother has it in the bible.

A reasonable time is allowed for that purpose.

- Q You knew when and where they were married? A In Pontotoc County, Mississippi.
Q You remember the day of the month and year? A No, sir/

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.

Q By recognized I mean enrolled? A No, sir; he never was enrolled.

Q Are you married? A Yes, sir.

Q Is your wife living? A Yes, sir.

Q Is she an Indian or a white woman? A White woman.

Q What is her name? A Marinda.

Q M-a-r-i-n-d-a? A i-n-d-a.

Q You can't make any claim for her? A No, sir.

Q Is this your first application? A Yes, sir.

Q Have you any children you want to make application for? A Eight.

Q All under age? A Yes, I have ten but eight are under age and unmarried.

Q Give me the name of the oldest? A Asa W.

Q How old is Asa? A Eighteen.

Q Next? A John H.

Q How old? A Sixteen.

Q Next? A Lettie.

Q L-e-t-t-i-e? A Yes, A.

Q Next? A George Andrew.

Q George A? A Yes, sir.

Q How old? A He is twelve years old.

Q Next? A Jeddie H.

Q Is that a boy? A Yes, sir.

Q J-e-d-d-i-e? A Yes, sir.

Q How old? A Eight.

Q Next? A Ora B.

Q O-r-a? A Yes, sir.

Q Girl? A Boy.

Q How old? A Six years old.

Q Next? A Lewis.

Q L-e-w-i-s? A Yes, sir.

Q Draper? A Yes, sir.

Q How old is he? A Four years old.

Q Next? A Leroy L.

Q How old is he? A Little over a year old.

Q Are these children all living with you at your home? A Yes, sir.

Q Is Marinda Draper the mother of these children? A She is the mother of four of them.

Q Which four? A The four youngest.

Q She is the mother of Jeddie H., Ora B., Lewis Draper and Leroy Draper? A Yes, sir.

Q Marinda Draper is your second wife? A Yes, sir.

Q What is the name of your first wife? A Sarah.

Q Is she living? A No, sir.

Q You were not divorced from her? A No, sir.

Q She died? A Yes, sir.

Q What was her name? A Sarah A.

Q When did she die? A In ninety-and.

Q Where? A In Texas.

Q What place in Texas? A Pilot Point.

Q She was a white woman? A Yes, sir.

Q She was the mother of these four oldest children, Asa W. A Yes, sir.

Q John H. A Yes, sir.

Q Lettie A Yes, sir.

Q And George A? A Yes, sir.

Q You have children who are married? A Yes, sir.

Q Have they ever been before the Commission? A No, sir.

- Q How many have you older? A Two.
- Q What is the name of the oldest? A Mollie Miser.
- Q Where does she live? A In the Chickasaw Nation at Elk.
- Q That is the post office address? A Yes, sir.
- Q What is the name of the next child that is married? A Becky.
- Q Becky what; present name? A Fitzer
- Q What is her post office address? A gadio.
- Q Who was the mother of thesetwo children? A My first wife Sarah.
- Q Is your name or the namesof any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir
- Q have you ever made applicat ion for yourself and your minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q have you ever made application for citizenship in the Choctaw Nation for yourself and minor children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first appli:ation you have ever made to any authority to be made a citizen of the Choctaw Nation? A Yes, sir.
- Q You never have been enrolled with your children as citizens of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you want to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, if I understand the time, the old people is all dead.
- Q You don't understand the treaty? A Yes I understand it..
- Q You want an explanation of article fourteen? A I understand the treaty
- Q You don't care to have that article explained? A No, sir.
- Q Without the explanation the article reads as follows:

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

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Bop was her name, before she married Jones.
- Q B-o-x? A Some spell it B-o-p and some B-o-x.
- Q How do you spell it? A B-o-p.
- Q She married whom? A Jones.
- Q What was his full name? A I don't know.
- Q How much Choctaw blood did Bop have? A Claimed to be full blood.
- Q Did she live in Mississippi in 1830? A Yes, sir.
- Q Did she have children there then? A Yes, sir.

4

- Q So she was the head of a family in Mississippi in 1830, in the old Choctaw Nation? A Yes, sir.
- Q What proof have you of that? A I have got two aunts living back in the old Country..
- Q Have you heard them say so? A Yes; lots of times.
- Q How old would this ancestor of yours be if living now; this Jones or Bop? A I could not tell you hardly how old she would be.
- Q What relation was she to you? A This Choctaw woman?
- Q This Bop? A She was my great grandmother.
- 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 from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A No, sir not that I know of.
- Q Did any of them own any land or claim any land in the old Choctaw Nation in Mississippi and 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 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, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. The result of his neglect caused many Indians to lose their land in Mississippi and Alabama; the government took it from them and sold it. So many complaints were made on account of this that Congress in 1837 appointed a Commission, also another one in 1842. These Commissions went to Mississippi and in the respective years heard claimants under article fourteen of the treaty of 1830 .

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold 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 None at all that I know of.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Not that I know of/.

#5

- Q Any brothers or sisters or Nephews or nieces or any other relatives? A No, sir; none that I know of.
- Q Is there anything more you want to say in support of this claim? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir; I do not.
- Q Have you any evidence you want to introduce now? A No, sir I have no evidence.
- Q Would you like time in which to introduce evidence? A Yes, sir.

Time is allowed this applicant until June 1st in which to introduce further proof or testimony in support of this application also proof of the marriage of his father and mother..

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark complexion, rather tanned now; brown mustache; dark brown hair. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as a stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of May 1902.

Charles H. Lawrence

Notary Public.

Miss. Choctaw 5563
Miss. Choctaw 5563

Muskogee, Indian Territory, June 2, 1902.

Lewis J. Draper,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of affidavits of Lewis J. Draper and James L. Draper, offered in support of the applications for identification as Mississippi Choctaws of Lewis J. Draper and Andrew J. Draper, et al. and marriage license and certificate between Andrew J. Draper and July A. Tidder, offered in support of the application of Andrew J. Draper, et al. for identification as Mississippi Choctaws, and the same have been made a part of the record in the above named cases.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, June 4, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of the 3rd inst., enclosing notice to Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, wherein is set forth that depositions will be taken in the matter of the application of Andrew J. Draper, et al., for identification as Mississippi Choctaws, on the 21st day of June, 1902, whereto is attached interrogatories to be propounded to Jesse Weeks and a copy of said interrogatories wherein is endorsed the return of the United States Marshal for the Central District, Indian Territory, certifying that he had served a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations. These documents are returned to you for the reason that you have not filed the affidavit of the applicant, as provided for by section 2, Rule 2, of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

Muskogee, Indian Territory, June 7, 1902.

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

Dear Sir:-

The Commission is in receipt of your communication of the 3rd inst. enclosing interrogatories to be propounded to Jesse Meeks in the matter of the application of Andrew J. Draper, et al., for identification as Mississippi Choctaws. Attached to said interrogatories is a notice to Messrs. Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nation, that said deposition would be taken on the 21st day of June, 1902, and endorsed thereon is the return of the United States Marshal for the Central District, Indian Territory as to the service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations.

These documents are returned to you for the reason that you have not filed the affidavit of the applicant as provided for by Section 5, rule 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

Miss. Choctaw 3582
Miss. Choctaw 3582

Muskogee, Indian Territory, November 12, 1902.

Andrew Draper,

Greaser, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, stating that you and your brother, Lewis Draper, are applicants for Identification as Mississippi Choctaws; that some of your relatives have employed J. G. Halls to represent them and he has informed you that if you do not pay him Ten Dollars each for the members of your family that he will leave your names off the record, and you ask to be informed if you will have to employ Halls to represent you.

In reply to your letter you are advised that it appears from our records that the applications of Andrew J. Draper, et al. and Lewis J. Draper, et al. for identification as Mississippi Choctaws have been made a part of the consolidated Mississippi Choctaw case of Mary A. Sparks, and after the decision of the Commission is rendered in this case the record of all the applications included therein will be forwarded to the Secretary of the Interior for review.

The Commission can give you no advice relative to your personal dealings with Mr. Halls, as the matter of the employment of attorneys by applicants is entirely within their own discretion.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, January 7, 1905.

Lewis J. Draper,

Cade, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1905, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5738
Ellie Owens	M.C.R. 5738
Lewis J. Draper, et al.	M.C.R. 5568
Rebecca Kitzer	M.C.R. 5736
Andrew Jackson Draper, et al.	M.C.R. 5903
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.H. 6138
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6273
John A. Meeks, et al.	M.C.R. 6100
Martha Poteet, et al.	M.C.R. 6208
Willie M. Meeks, et al.	M.C.R. 6208
Victoria Stevens, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6067
Joseph G. Jones, et al.	M.C.R. 6142
Mary Ann Fant, et al.	M.C.R. 6301
Frances Morgan, et al.	M.C.R. 6300
Phoebe Meeks	M.C.R. 6216
Amanda V. Fete, et al.	M.C.R. 6300
Alex Meeks, et al.	M.C.R. 6212
Kevada Meeks	M.C.R. 6213
George M. Jones	M.C.R. 6157
John M. Jones, et al.	M.C.R. 6156
James Edward Jones	M.C.R. 6155
Henry M. Jones	M.C.R. 6154

Louis J. Draper.--3

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Pitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James E. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Falkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Maxie E. Potest, Elsie B. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willis M. Meeks, Clifford Meeks, Varner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willis Jones, John A. Jones, Arisorn Jones, Douglas Jones, Otis Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Bina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan.

Lewis J. Draper.—8

Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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,

Jane Dixby.

Writing Chairman.

Registered.

X C R 5562
X C R 5563
X C R 5725

Muskogee, Indian Territory, February 20, 1904.

Lewis J. Draper,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 2, 1904, by reference from the Secretary of the Interior. Therein you ask to be advised the status of the Mississippi Choctaw applications of Lewis J. Draper, Andrew J. Draper, and Mary A. Sparks.

In reply you are advised that on January 23, 1903, the Commission forwarded the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which the applications of Lewis J. and Andrew J. Draper are a part, together with its decision of January 7, 1903, refusing said application, to the Secretary of the Interior, and up to the present time the Commission has not been informed of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission you will be duly notified.

Respectfully,

Commissioner in Charge.

W.C.B.

COMMISSIONERS:
JAMES HENRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

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

<p>REFER IN REPLY TO THE FOLLOWING:</p> <p>M.C.R. 5562</p>
--

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Lucia J. Draper,
Hickory, Mississippi,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 14 1902

Name Lewis J. Oraper.

Age 48 Blood 1/8

Post-Office, Caddo, La.

Father: Andrew J. Oraper d

Mother: Ellen C. " d

Claims through father, -
wife (2) Marinda Oraper, l. w.

No claim for wife -
wife 1.

Sarah A. Oraper, (d) w.
mother of 4 elder children
Children:

- Asa W. Oraper, 18
- John H. " 16
- Lottie A. " 14
- George A. " 12
- Jeddie H. " (M) 8
- Ora B. " (M) 6
- Lewis " 4
- Leroy L. " 1

Claim for neg &
& children

Stenographer J. R. ...

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 11 1905



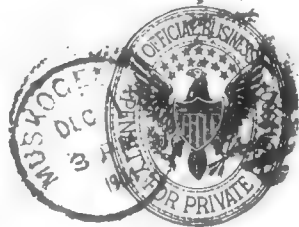
CHAIRMAN

HICKORY
FEB 11 1907
RECORDED

Department of the Interior.

Commission to the Five Civilized Tribes.

MEMPHIS, IND. TER.



General Office

M. A. 5562

Lewis J. Draper,

Hickory, Mississippi.

Choctaw MCR 5563

Andrew J. Draper

See MCR 5735

MCR 5563

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 14, 1902.

5568

In the matter of the application of Andrew Jackson Draper for the identification of himself and his seven minor children, John V., Charles E., Mary E., Lee E., James P., William E., and Calvin Hester Draper, as Mississippi Choctaws.

Applicants not represented by attorney.

Andrew Jackson Draper being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew Jackson Draper.
Q What is your age? A I am forty.
Q What is your post office address? A Crowder,
Indian Territory? A Yes, sir.
Q How long have you lived at Crowder? A Seven years.
Q Where were you born? A Arkansas.
Q Where in Arkansas? A Pike County.
Q You lived in Arkansas how long? A About twenty-seven or eight
somewhere.
Q You went from that state to where? A I came to Texas and
stayed there for a year and then came over to the Territory.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Andrew Jackson.
Q What is your mother's name? A Ellen E.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-eighth I reckon.
Q Has your father ever been recognized or enrolled as a Choctaw
citizen by the Choctaw tribal authorities of the United States
authorities in Indian Territory? A Never have been enrolled.
Q Have you proof of the marriage of your father and mother with
you? A I have the family record.
Q With you now? A No, sir not with me.
Q You can introduce that later? A Yes, sir.
Q Are you married? A Yes, sir.
Q How wife is living? A Yes, sir.
Q Is she a white or Choctaw woman? A White woman.
Q What is her name? A Julie A.
Q J-u-l-i-e? A Yes, sir.
Q You make no claim for her as a Choctaw Indian? A No, sir.
Q Give me the name of your eldest child under twenty one years of
age and unmarried? A John V.
Q How old is he? A Twenty years old.
Q What is the name of the next? A Charles E.
Q How old? A Eighteen.
Q Next? A Mary E.
Q How old? A She is sixteen.
Q Next? A Lee E.
Q Boy? A Girl.
Q How old? A Fifteen.

#2

- Q Next? A James F.
Q How old? A He will be fourteen.
Q Is that all? A Two more.
Q Next? A William H.
Q How old is William? A You have got that there one wrong you have got it W.--No, that is right.
Q How old is William? A He is eleven.
Q Next? A Calvin Hester.
Q How old? A He is nine.
Q Is Julie A. the mother of these children? A Yes, sir.
Q Are you and your wife Julie and these children all living together at home? A Yes, sir.
Q Were either you or she married before you married each other? A No, 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 proof of your marriage to your wife with you? A No, sir.
Q Can you introduce that later if given time? A Yes, sir.
Q You may file this proof with the Commission not later than June 1st 1902.
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 Is this the first application you have ever made to the Dawes Commission or any authority for citizenship in the Choctaw Nation for yourself and your children? A No, sir.
Q You never have been enrolled as a member of the Choctaw tribe of Indians you and 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 You now come before the Commission to be identified, yourself and your children as Mississippi Choctaws? A Yes, sir.
Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
Q You understand that article? A I reckon I do.
Q You don't think you want any explanation of it? 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 Have any of your ancestors complied with that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor that you are claiming through now? A Bop.
- Q Bop? A Yes, sir.
- Q Is that a man or woman? A Woman.
- Q What relation to you? A My great grandmother.
- Q Can you give me her full name? A No, sir.
- Q Is that her maiden name? A Yes, sir.
- Q Whom did she marry? A Jones.
- Q A White man? A I suppose he was.
- Q What was his full name? A I could not tell you.
- Q Did your great grandmother Jones live in Mississippi in the old Choctaw Nation in 1830? A Yes, sir.
- Q Did she have children there at that time? A Yes, sir.
- Q In other words was she the head of a family in Mississippi in 1830? A Yes, sir.
- Q Did you ever hear that she complied with the provisions of article fourteen of the treaty of 1830? A No, sir; I did not.
- 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 Colonel Ward, who had an agency in Mississippi at that time, and tell him he 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 and 1838? A I don't know sir whether they did or not.
- 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 No, sir; not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of 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 the state of 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. His neglect to do this caused many Indians who had land in Mississippi in the old Choctaw Nation upon which they had improvements to lose both, the government took them from them and sold them. So many complaints were made among the Choctaw Indians that Congress in 1837 appointed a Commission also in 1842 another Commission was appointed. These Commissions went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any right under article fourteen as Choctaw Indians? A I could not tell you.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if it also further appeared that he had had land in the old Choctaw Nation which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.
Q Is Lewis J. Draper your brother? A Yes, sir.
Q He made application to be identified to-day did he not? A Yes, sir.
Q You want to have his case and yours consolidated? A Yes, sir.

Number 5562 the case of Lewis J. Draper is here referred to for consolidation.

- Q You have no other kin who has appeared? A Not that I know of.
Q Do you speak the Choctaw language? A No, sir.
Q Have you any other evidence you want to introduce at this time?
A No, sir; not here.
Q Would you like a little time in which to present other proof?
A Yes, sir.

This applicant is allowed time until June 1st 1902, in which to furnish other evidence if he desires also proof of his own marriage and the marriage of his father and mother.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has a light brown mustache; dark brown hair; his color is dark but he is considerably tanned. He does not speak 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 May 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of May 1902.

Charles De Saunier

Notary Public.

Miss. Choctaw 5263
Miss. Choctaw 5063

Muskogee, Indian Territory, June 2, 1902.

Lewis J. Draper,
Gaddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of affidavits of Lewis J. Draper and James L. Draper, offered in support of the applications for identification as Mississippi Choctaws of Lewis J. Draper and Andrew J. Draper, et al. and marriage license and certificate between Andrew J. Draper and July A. Tidder, offered in support of the application of Andrew J. Draper, et al. for identification as Mississippi Choctaws, and the same have been made a part of the record in the above named cases.

Yours truly,

Acting Chairman.

N.C.R. 8849

Muskogee, Indian Territory, June 18, 1908

Mr. J. G. Ballie,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of the 10th inst., wherein you enclose the application to take the depositions of James and Alford Hooks upon direct interrogatories thereto attached, in the matter of the application of Andrew J. Draper, et al., for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes.

The proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, as well as the other documents attached to said interrogatories, being in proper form, same have been filed with the record in the application of Andrew J. Draper, et al., and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued to take the depositions of the witnesses above named.

It appears from the notice to take depositions, served on the attorneys for the Choctaw and Chickasaw Nations, that the date

J. G. Hallis-----2

For the taking of said depositions was set for the 21st day of June, 1902, but inasmuch as these interrogatories are not considered filed with the Commission until today, the time for crossing them will not expire until June 25th, at which time the commission to take these depositions will be issued.

Yours truly,

Commissioner in Charge

M.C.R. 5568

Washago, Indian Territory, June 26, 1902.

Mr. J. G. Balls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Enclosed please find commission to take the depositions of Jesse Neeks as a witness in the application of Andrew J. Draper et al., for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes, upon direct and cross interrogatories thereto attached.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and return same as soon after the taking thereof, as possible.

Yours truly,

Enclosure

G.H. 112

M.G.R. 5663

Muskogee, Indian Territory, June 26, 1902.

Mr. J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Enclosed please find commission to take the deposition of Allen Meeks as a witness in the application of Andrew J. Draper, et al., for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes, upon direct and cross interrogatories thereto attached.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and return same as soon after the taking thereof as possible.

Yours truly,

Enclosure
G.H. 114

Miss. Chootaw 3502
Miss. Chootaw 3603

Waukegon, Indian Territory, November 12, 1902.

Andrew Draper,
Crowder, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, stating that you and your brother, Lewis Draper, are applicants for identification as Mississippi Chootaws; that some of your relatives have employed J. G. Ralls to represent them and he has informed you that if you do not pay him Ten Dollars each for the members of your family that he will leave your names off the record, and you ask to be informed if you will have to employ Ralls to represent you.

In reply to your letter you are advised that it appears from our records that the applications of Andrew J. Draper, et al. and Lewis J. Draper, et al. for identification as Mississippi Chootaws have been made a part of the consolidated Mississippi Chootaw case of Mary A. Sparks, and after the decision of the Commission is rendered in this case the record of all the applications included therein will be forwarded to the Secretary of the Interior for review.

The Commission can give you no advice relative to your personal dealings with Mr. Ralls, as the matter of the employment of attorneys by applicants is entirely within their own discretion.

Respectfully,

Letter 3502

COPY

Muskogee, Indian Territory, January 7, 1903.

Andrew J. Draper,

Crowder, Indian Territory.

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 Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5762
Rebecca Fitzey	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whalley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurg, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6199
Martha Pickett, et al.	M.C.R. 6208
Willis H. Meeks, et al.	M.C.R. 6206
Victoria Blewins, et al.	M.C.R. 6198
James L. Jones, et al.	M.C.R. 6087
Joseph O. Jones, et al.	M.C.R. 6141
Mary Ann Earl, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6139
Henry M. Jones	M.C.R. 6134

Andrew J. Draper.--2

These applications were made under the provision of the act of Congress of June 22, 1892 (50 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 Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollon Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Ada W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzner, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary B. Draper, Lee B. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James A. Draper, William H. Draper, Alva Dale Draper, Amanda A. Hooks, Calvin Hooks, Rebecca Hooks, Sarah P. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin D. Whatley, Vertie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Hooks, Walter Hooks, Martha Potest, Naudie M. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willie M. Hooks, Clifford Hooks, Warner L. Hooks, Grace May Hooks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Pant, John Henry Pant,

Andrew J. Draper, 8

Sina A. Fant, Eddie Fant, Scridly Fant, Luella Fant, Alvie Fant, Willie Fant, Garlie Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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 Birney

Acting Chairman.

Registered.

M C R 5562
M C R 5563
M C R 5735

Muskogee, Indian Territory, February 20, 1904.

Lewis J. Draper,

Hickory, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 2, 1904, by reference from the Secretary of the Interior. Therein you ask to be advised the status of the Mississippi Choctaw applications of Lewis J. Draper, Andrew J. Draper, and Mary A. Sparks.

In reply you are advised that on January 23, 1903, the Commission forwarded the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which the applications of Lewis J. and Andrew J. Draper are a part, together with its decision of January 7, 1903, refusing said application, to the Secretary of the Interior, and up to the present time the Commission has not been informed of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission you will be duly notified.

Respectfully,

Commissioner in Charge.

M.C.R. 5568

COPY.

Muskogee, Indian Territory, November 30, 1904.

Andrew J. Draper,
Crowder, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 9th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

Name Andrew J. Wrapeer

Age 40 - Blood '18

Post-Office, Crowder, I.T.

Father: Andrew J. " d

Mother: Ellen C " d

Claims through father - -
wife Julie A " l. w.
No claim for wife

Children:

John W. Wrapeer, 20

Charles E. " 18

Mary E. " 16

Leed E. " (F) 15

James F. " 14

William E. " 11

Calvin H. " 9

Claim for self &

7 children

Stenographer G. Rosenwald

Choctaw MCR 5564

Lurany Dodson

See MCR 6056

MCR 5564

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 14, 1902.

5564

In the matter of the application for identification as
Mississippi Choctaws of Lurany Dodson for herself and her children,
James Andrew Jackson Lee and Emory A. Lee.

Applicants not represented by attorney.

Lurany Dodson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lurany Dodson.
Q What is your age? A Fifty-two.
Q What is your post office address? A Springdale.
Q Indian Territory? A No, Arkansas.
Q How long have you lived there? A Forty-eight years.
Q Where were you born? A In Tennessee right across the Mississippi
line.
Q Is your father dead or living? A He is dead.
Q Is your mother living? A No, sir; she is dead.
Q What was your father's name? A Lee Downum.
Q B-o-w-n-u-m? A Yes, sir.
Q What was your mother's name? A Lucinda.
Q Downum? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A My grandfather was one-
quarter.
Q That would make you how much; your mother would be one-half of
her parents; that would be one-eighth and you would be one-half
of one-eighth which would be one-sixteenth, is that what you
claim? A Yes, sir.
Q Has your mother ever been enrolled as a Choctaw Indian or recog-
nized as such by the Choctaw tribal authorities or the United
States authorities in Indian Territory? A No, sir.
Q Your husband is living? A No, sir; he is dead.
Q Was he a Choctaw Indian or white man? A My husband was a white
man.
Q What was his name? A Horace Dodson; I have been married twice/
Q Your first husband is dead? A Both are dead.
Q Your first husband's name is what? A Marion Lee.
Q Your second husband is also dead? A Yes, sir.
Q What was his name? A Horace Dodson.
Q When did your first husband die? A He has been dead nineteen
years.
Q And your second husband died when? A He has been dead nine
years.
Q Have you any children that you want to make application for? A
A My daughter that is married.
Q You have two children that you want to make application for? A
A Yes, sir; I have one besides the two.

#3

- Q Well you have the two that you made application for before the Commission March 8, 1900? A Yes, sir.
- Q You made application at that time for yourself and James Andrew Jackson; that is one of the children? A Yes, sir.
- Q How old is he now? A He is twenty-one.
- Q Who is his father? A Marion Lee.
- Q How do you get that name Jackson if his father's name was Lee? A Well his name is James Andrew Jackson Lee.
- Q What is the name of the other child? A Emery A.
- Q How old is he? A He is nineteen.
- Q That is a boy of course? A Yes, a boy.
- Q Marion Lee is the father of both of these children? A Yes, sir.
- Q You claim now for yourself and these two children do you? A Yes, sir.
- Q Is your name or the names of any of your children that you have now given on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Did you afterwards make application for citizenship in the Choctaw Nation for yourself and two minor children? A Yes, sir.
- Q When was that do you remember? A It was in March I believe.
- Q What year, 1900? A Yes, sir.
- Q March 8, 1900; you then made application for yourself and James Andrew Jackson Lee and Emery Arthur Lee; you made application at that time for citizenship by blood in the Choctaw Nation? A Yes, sir.
- Q You want to have that record made at that time transferred to this present application? A Yes, sir.

The application of Lurany Dodson, et al., R-729 is here referred to and made a part of this application.

- Q You never have been admitted to citizenship in the Choctaw Nation with your children by any authority at all? A No, sir.
- Q You now want to be identified with your children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A Yes, sir.
- Q You care for an explanation do you? 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 with that article do you know? A Not that I know of.
- Q What is the name of your ancestor that you are claiming through now? A I claim it through my grandfather.
- Q What was his name? A Jim Vinson.
- Q You gave the name of James Vinson? A Well that is the way it ought to be I guess.
- Q What was his wife's name? A Nancy.
- Q Who had the Choctaw blood, James or Nancy? A James; she was a white woman.
- Q How much did he have? A One-quarter.
- Q Did he live in Mississippi or Alabama in 1830? A Yes; he lived and died there.
- Q Where? A In Mississippi.
- Q How old would he be if living now? A He was eighty four when he died.
- Q Has been dead how long? A Twenty years.
- Q He would be one-hundred and four then? A Yes, sir.
- Q Did he have a family of children in Mississippi in 1830; seventy-years ago? A Yes, sir.
- Q You think he did? A Yes, sir.
- Q You think he was living in Mississippi in 1830 and had a family there then? A Yes, sir.
- Q He was therefore the head of a family in Mississippi in 1830? A Yes, sir.
- Q You claim through your mother? A Yes, sir.
- Q Did she ever live in Mississippi? A Yes; she was raised there.
- Q Did she die there? A No, sir; she died in Arkansas.
- Q She went from Mississippi to Arkansas? A First she went into Tennessee and married my father and then she went to Arkansas.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? 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 Grandfather had land but I don't know how he claimed it.
- Q You don't know how he got it? A No, sir; but he lived in the Nation.
- Q Did he have that land in 1830? A Yes, sir.
- Q Do you know anything about whether he owned it under article fourteen of that treaty or not? A No, sir.
- Q You know what became of it? A No, sir.
- Q Do you know whether he got a patent from the government to that land? A No, sir.
- Q Don't know anything about how he got it or where he got it? A He always lived there.
- Q Where was it located? A In Tishomingo County.

Q Tishomingo County, Mississippi? A Yes, sir.

The Choctaw Indians who lived in Mississippi and Alabama after the treaty of 1830 was ratified were obliged if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians who owned 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 sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 as well as in 1842 appointed Commissions which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A Not that I know of; if they did I don't know it.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had held in the old Choctaw Nation and which the government had taken from them? A Not that I know of.
- Q Have you any relatives of kin folks who have been before the Commission to be identified as Mississippi Choctaws? A Yes; my brothers.
- Q When did they appear? A The same year that I came; this one that is with me now.
- Q They have not yet made application? A No, sir.
- Q There is no one of your kin except what are here now who have made application? A No, sir.
- Q Your brothers and sisters have all been here? A Yes, sir.
- Q You have no relatives who have been here and made application to be identified as Mississippi Choctaws? A No, sir; only our family.
- Q Well they have not have they; I am talking about Mississippi Choctaws; you have none? A I have.
- Q Well you don't understand my question at all; if you will listen a minute I will make you understand it; you are making application as a Mississippi Choctaw, my question is have any of your relatives made application as Mississippi Choctaws? A Not that I know of.
- Q They have made application as Choctaws by blood have they not? A Yes, sir.
- Q Have you any evidence you want to introduce now? A No, sir.

You will be given until June 1st 1902, in which to introduce other testimony or evidence if you wish.

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 light complexion; blue eyes; brown hair; she does not understand the

Chocaw 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. Rosewinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reports in full all the proceedings had in the above entitled cause on May 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosewinkel

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

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MARCH 8, 1900.

In the Matter of the Application of Lurany Dodson, of Springdale, Arkansas, for Choctaw Citizenship.

Lurany Dodson, being duly sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Lurany Dodson.
- Q How old are you? A I am 53.
- Q Where do you reside? A In Middle Tennessee is where I was born.
- Q Where do you live now? A I live in Benton County.
- Q Benton County, Arkansas? A Yes sir.
- Q You apply for citizenship as a Choctaw? A Yes sir.
- Q Where were you born? A In Middle Tennessee, Franklin County.
- Q Is your name on any of the rolls of the Choctaw Nation? A No sir.
- Q Were your father's and mother's names on any of the rolls of the Choctaw Nation? A No Sir.
- Q Have you ever lived in the Choctaw Nation? A No sir.
- Q What was your father's name? A Lee Downum.
- Q What was your mother's name? A Lucinda Downum.
- Q Do you claim citizenship through your mother or father? A Mother.
- Q Do you know how much Choctaw blood she had? A Her father was a quarter.
- Q Did your mother ever live in the Choctaw Nation? A No sir.
- Q She is dead? A Yes sir.
- Q Where did she die? A, In Benton County, Arkansas.
- Q What was your grandfather's name? A James Vinson.
- Q What was your grandmother's name? A Nancy Vinson.
- Q Where did they live? A In Mississippi; in the Choctaw Nation in Mississippi.
- Q They lived and died there? A Yes sir.

- Q Are you married? A I am a widow.
- Q Have you any children? A I have three.
- Q What are their names and ages? A James Andrew Jackson, nineteen years.
- Q What is the next one? A The next one is Emory Arthur Lee.
- Q What is the next one? The next one is Nancy Pearl. She is married. Her husband is G. H. Cooper. She was a Lee though.
- Q Do you know positively that your mother had any Choctaw blood, or have you just been told so? A I know it; I heard my grandfather claim it and say that she had it.
- Q But you never have lived in the Choctaw Nation? A No sir.
- Q Nor your father nor mother? A No sir.
- Q Nor never that you know of were on the Choctaw rolls? A No sir.
- Q Have you ever been admitted to citizenship by the Dawes Commission or by the United States Court? A No sir.
- Q Did you ever apply before this to the Dawes Commission for citizenship? A No sir, I never have.
- Q Are there any other facts now that you would like to make known to us? A Does my daughter's name have to be put in? A No she should appear herself.
- Q Have you any papers now or proof to file with us. A No sir, I have not.

Colonel Needles: Well, Mrs. Dodson, as you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission or the United States Court, or any of the tribal authorities, this Commission has no jurisdiction in your case, and your application will be refused.

Muskogee, Indian Territory, February 1, 1902.

N. G. Dotson,

Springdale, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 12th ult. in which you state that you appeared in person before Commissioner Tisdale at Muskogee, Indian Territory, with your sister and brother and were enrolled on or about the 15th of February last. That Jim, Alex and Will Bowman, your sister and yourself appeared in person. It seems that this letter was in reply to the letter of the Commission informing you of our inability to identify you as having made application or having been listed as a citizen of the Cheateau Nation.

In your original letter of January 8th addressed to the Commission, you make inquiry as to whether you are too late to have your right in the Cheateau Nation, claiming that you enrolled on February 15th, 1900 but on account of sickness that you have never moved into the Cheateau country and settled on your claim. That the rest of your people have settled on their claims within the proper time.

The Commission after much trouble is of the opinion that it has located the people concerning whom you inquire as applicants who appeared before the Commission at Muskogee, Indian Territory in the latter part of February, 1900. On February 24th, James B. Bowman 40 years of age, whose residence was given as Springdale,

M 2 D 2

Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife, Wiley and her children Lula, Effie, Milla and Ferva Dewham as citizens of the Choctaw Nation.

After hearing his testimony at that time, Commissioner Needles rendered a decision refusing the application of those parties for enrollment as citizens of the Choctaw nation.

It also appears that on March 8th, 1900, Lissie Brown, 58 years of age, appeared before the Commission at its office in Muskogee, Indian Territory and made application for the enrollment of herself and her husband John Brown and her children, Eddie, James, Jessie, Ethel, Vady and Maggie Brown as citizens of the Choctaw Nation. Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Census Commission nor by the United States Court, nor any of the authorities of the Choctaw Nation this Commission has no jurisdiction in your case, and your application will be refused."

Our records further show that on March 8th, 1900, at Muskogee, Indian Territory, Luray Deason, 25 years of age, of Springdale, Arkansas, appeared before the Commission and made application for the enrollment of herself and her children James Andrew Jackson and Henry Arthur Lee as citizens of the Choctaw Nation and Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Census Commission or the United States Court, or any of the tribal authorities, this Commission has no jurisdiction in your case, and your application will be refused."

W C D 3

Our records further show that on February 24th, 1900, William Alexander Bowman, 29 years of age, of Springdale, Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife Dora Bowman and his children John, Vera and Nina Bowman citizens of the Choctaw nation. Commissioner Hobbes on the part of the Commission after hearing the testimony in this case refused the application for the enrollment of the interested parties.

This is all the record the Commission has of any parties by these names and has no record of any person by the name of M. C. Dotson. The applicants above referred to have been refused and rejected by the Commission and we can furnish you with no more definite information in regard to your rights.

If you desire to make an application for enrollment it will be necessary for you to appear in person before the Commission at its office in Muskogee.

Yours truly,

Acting Chairman.

7-R-418

7-R-419

7-R-417

7-R-750

Chectaw R 729

Muskogee, Indian Territory, April 29, 1902.

Lurany Dodson,

Springdale, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the joint affidavit of Esther Smith and Melissa Turner which have evidently been submitted in response to our communication of March 20, 1902, in which you were advised that you would be permitted thirty days from the date thereof within ~~which~~ to submit to this Commission an affidavit corroborated by two witnesses showing that you claim the right to be identified as a Mississippi Chectaw under the provisions of the act of Congress of June 28, 1898.

The Commission has this day filed the affidavits submitted by you but therein there is no allegation made that you claim any rights for yourself and your two children as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Chectaw Nation.

You are now advised that if it is your intention to prosecute any claim or make application for the identification of yourself and your two children as Mississippi Chectaws, claiming rights in the Chectaw lands under the provisions of the fourteenth

1 D 8

article of the treaty of 1830 between the United States and the Choctaw Nation, that it will be necessary for you to personally appear before the Commission at its office at Muskogee, Indian Territory, for this purpose.

You are further advised that you will be permitted thirty days from the date hereof within which to make such personal application and if at the expiration of that time no appearance is made by you, the Commission will consider that it is not your intention to make application for identification as a Mississippi Choctaw and will pass upon the rights to enrollment of yourself and your two children as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 8664

Muskogee, Indian Territory, November 13, 1902.

Jurany Dodson,

Chickie Choctaw, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 6, inclosing affidavit of Easter Smith to be filed in the matter of your application for identification of yourself and your children as Mississippi Choctaws, and the same is herewith returned to you for the reason that while it purports to be the affidavit of Jurany Dodson, it is signed by Easter Smith.

Respectfully,

Acting Chairman.

AB 2-13

COPY.

M.C.R. 5564

Muskogee, Indian Territory, January 27, 1908.

Lurany Dodson,
Springdale, Arkansas.

Dear Madam:

You are hereby advised that on the 27th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., concerning the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6059
Ethel Johnston	M.C.R. 6063
Lurany Dodson, et al.	M.C.R. 5564
Nancy Pearl Cooper, et al.	M.C.R. 5560
Wiley L. Downum, et al.	M.C.R. 5569
James Sidney Downum, et al.	M.C.R. 5570
William A. Downum, et al.	M.C.R. 5568
Elizabeth Hillbrow, et al.	M.C.R. 5568

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

Lurany Dodson,—2

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lissie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie E. Cooper, Wiley L. Downum, Belle Buckner, (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Leo Downum, Mark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cleoro Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Gurtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Cheotaw Indians entitled to rights in the Cheotaw 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 you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. ...
Acting Chairman.

Registered.

COPY.

H.C.R. 5364

Muskogee, Indian Territory, May 19, 1903.

Lurany Hodson,

Springdale, Arkansas.

Dear Madam:

You are hereby notified that on the 5th 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 Kissie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 14 1902

Name Lurany Hodson

Age 5.2 - Blood 1/16

Post-Office, Springdale, Ark

Father: Lee Downum d

Mother: Lucinda .. d

Claims through mother.
Husband (1) Marion Lee, d.w.
Husband (2) Horace Hodson, d.w.

Children:

Lee,
James Andrew Jackson 21
Emery ~~Atta~~ A. Lee, ^19

Claims for self &
2 children

Card R729 is trans-
ferred to this app.

Stenographer V. Rammick

Choctaw MCR 5565

William A. Downum

See MCR 6056

MCR 5565

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 14, 1902.

5568

In the matter of the application for identification as Missis-
sippi Choctaws of William A. Downum for himself and his four minor
children, Johnnie Lee, Una N., Nina and Maud Minnie Downum.

Applicants not represented by attorney.

William A. Downum being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William A. Downum.
Q What is your age? A Forty.
Q You live at Springdale Arkansas? A Yes; in Benton County.
Q How long have you lived in that state? A I was born there.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q Through which parent do you claim Choctaw blood? A Through
my mother.
Q You claim how much? A One-sixteenth.
Q What was your father's name? A Lee Downum.
Q What was your mother's name? A Lucinda.
Q Has your mother ever been enrolled as a Choctaw Indian by the
Choctaw tribal authorities or the United States authorities
in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Is she a Choctaw or white woman? A White woman.
Q What is her name? A Dora Downum.
Q You don't make any claim for her do you? A No, sir.
Q Give me the name of your oldest child under twenty-one years
of age and unmarried that you want to make application for? A
Johnnie Lee.
Q Is that a boy? A Yes, sir.
Q How old is Johnnie? A Ten years old.
Q Next? A Una N.
Q How do you spell that? A U-n-a.
Q How old? A Eight years old.
Q Next? A Nina.
Q Nina is how old? A She is five.
Q Next? A Maud Minnie.
Q What is her age? A She is just a year old, past I believe.
Q That is all? A Yes, sir.
Q Is your wife Dora the mother of these children? A Yes, sir.
Q You and your wife and children all live at your home? A Yes,
sir.
Q When and where were you married to your wife? A Twelve years
ago.
Q You remember the exact date? A November 9th I believe.
Q What year? A I believe it was in seventy.
Q Have you proof of that marriage with you now? A I have it
home.

Thirty days time is allowed this applicant in which to furnish proof of his marriage with his wife.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; not that I knew of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application you have ever made? A That one you got there is the first one I ever made.
- Q You did make application to the Dawes Commission at one time? A Yes, sir.
- Q The date of that application was March 8, 1900? A Yes, if I am not mistaken it was.
- Q Did you make application on the same date that your sister made application? A Yes, sir.
- Qx Your sister is Lurany Dodson? A Yes, sir.
- Q Where did you appear, at what place, before the Commission? A I appeared before Needles.
- Q In Muskogee? A Yes, sir.
- Q On March 8, 1900? A Yes, sir.
- Q Did you then make application for citizenship in the Choctaw Nation, by blood, for yourself and children? A Yes; I think I did, that is the way I understand it.
- Q You now want to make application, do you, for identification as a Mississippi Choctaw? A Yes, sir.
- Q Would you like to have the record made by you at the time of your former application, transferred and made a part of this record? A Yes, sir.
- Q You then made application for yourself and these children except Maud Minnie? A Yes, sir.
- Q You made application for Johnnie Lee, Una E? and Nina? A Yes, sir.
- Q Maud M. has been born since? A Yes sir.
- Q You want to make application for her now? A Yes, sir.
- Q You now come before the Commission to identify yourself and these minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830; do you? A Yes, sir.

The previous application of this applicant R.-415, is here referred to and made a part of this present application.

- Q Do you understand article fourteen of the treaty of 1830? A A I think I do.
- Q You claim under that article do you? A Yes, sir.

That article without the explanation 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 or her ten years of age; and a quarter section to such child as may be under ten years of

age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir.
- Q What is the name of your ancestor that you claim through? A James Vinson.
- Q How much Choctaw blood do you claim? A One-quarter I believe.
- Q Did he live in Mississippi in 1830 and have a family there then? A That is what I have always been told.
- Q That is a matter of family history and tradition with you? A We used to learn that from him.
- Q And you are satisfied that he lived in Mississippi in 1830 and was the head of a family there then? A Yes, sir.
- Q Are you going to file any of that proof; are you going to present it; you will be allowed time to-do so if you want to? A Why Yes.

Thirty days time will be allowed this applicant in which to present any evidence he may desire in support of this application.

- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir.
- 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 Not that I know of.

The Choctaw Indians who lived in Mississippi or Alabama, in the old Choctaw Nation, refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty of 1830 were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward, who had an agency in Mississippi at that time, and 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 Mississippi to lose both their land and the improvements upon it; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837 by act approved March 3 of that year which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 Congress appointed

another Commission which went to Mississippi, under act approved August 23, of that year. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A No, sir not that I know of.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and also if they had had land in Mississippi which the government had taken from them and sold that they should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that certificates should be issued to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No, sir; not that I know of.
- Q What relation is Lurany Dodson to you? A My sister.
- Q She has made application on this date to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Would you like her case and yours to be taken together? A Yes, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say in support of this claim; anything more you can think of? A I would like to know about the license; you want me to send you the correct dates when I was married?
- Q Yes? A I am pretty well satisfied that I gave you the correct dates.
- Q You will have to send the proof? A Well I can send it to you.
- Q Give the names of your brothers and sisters that live in the Indian Territory? A Jim Downum.
- Q He lives where? A The other side of South McAlester; his address is Chickie Checkie.
- Q That is your brother? A Yes, sir.
- Q He appeared at the same time you did March 8, 1900? A Yes, sir.
- Q Give me the name of any other relative who appeared? A Wiley Downum.
- Q Brother? A Yes, sir.
- Q He came before the Commission when? A The same time I did.
- Q He lives where? A At Harrison, Boone County, Arkansas; then I have a sister by the name of Lizzie Brown, her name is Esther Elizabeth Brown.
- Q Where does she live? A Kiewa, Indian Territory.
- Q That is all is it? A Yes; I have got a sister that has one child that is in California; she is married.
- Q What about her; she will have to make application for herself? A Alright.
- Q What is her name? A Emma Beasley.
- Q Where does she live? A Napa, California, and then this girl here that is going to make application.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; reddish brown mustache; dark eyes; 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 May 14, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said cause on said date of May 1902.

Resubscribed

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

Charles H. Lawrence

Notary Public.

In the Matter of the Application of William Alexander Downum for Choctaw Citizenship. W. A. Downum, being sworn, testified as follows:

- Q What is your name? A William Alexander Downum.
- Q How old are you? A I was born the 14th of February 1868; 38 years old.
- Q Where do you reside? A Benton County, Arkansas.
- Q You are an applicant for citizenship as a Choctaw Indian? A Yes sir.
- Q Is your name upon any of the rolls of the Choctaw Nation? A Not that I know of.
- Q Were the names of your father and mother on any of the Choctaw rolls? A Not that I know of.
- Q You have never resided in the Choctaw Nation? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A. Dora.
- Q Any children? A Three.
- Q What are their names? A John is the oldest one's name.
- Q How old is John? A About eight years.
- Q What is the next one's name? A Una.
- Q How old is she? A About six years.
- Q What is the name of the other? A Nina.
- Q About how old is Nina? A She is about three.
- Q Where were you born? A I was born in Benton County, Arkansas.
- Q Was your father or mother ever recognized as a Choctaw citizen? A No sir.
- Q They never lived in the Choctaw Nation? A No sir they lived in Mississippi.
- Q They used to live in Mississippi? A Yes, they came from there here.
- Q Are they alive? A No sir.
- Q What degree of blood did they claim? A I claim to be one sixteenth.
- Q Are your father and mother alive? A No sir.
- Q Where did they die? A In Benton County, Arkansas.

Q What was your father's name? A Lee Deenum.

Q What was your mother's name? A Lucinda Benson.

Q Have you ever been admitted to citizenship by any of the authorities of the Cheetaw Nation, or by the United States Court? A No sir, not that I know of.

Q Did you ever apply for citizenship to the Dawes Commission before? A No sir.

Q Do you get your Cheetaw blood from your father or your mother?

A From my mother.

Q Do you know positively that your mother had any Cheetaw blood in her? A No sir, just hear tell. Just what I have heard.

Commissioner Needles: Your application will be rejected and these papers will be filed and go up to the Secretary of the Interior.

STATE OF ARKANSAS
COUNTY OF WASHINGTON.

JAN. 26 --1900.

On this day before me, a Notary Public in and for the County of Benton, State of Arkansas, duly acting, appeared Olive M. Fitzgerald, who testified as follows. I am 61 years old. I live in Washington County Ark. (near Springdale) I knew Jim Vincen in Franklin County, Tenn. in 1847 and 1848 or thereabout. Vinson moved back to Mississippi. People said he was part indian. Vinson's daughter, Lucinda married Lee Downum, and moved with her to Benton, Co., Ark. Their children are; Missy, Esther Elizabeth, Julia Ann, Wiley, Nancy Hannah, Jim and Alex. I have known them here for many years. Lee Downum or Lucinda Downum was ever married but once. Jim Vinson's children so far as I know them, were: Celia, Lucinda, Jim and Jess.

Witness:

Olive M. ^{her} X Fitzgerald
mark.

Mary E. Taylor.

Subscribed and sworn to before me on the day and year above said.

L. P. Davis,

Notary Public.

(Seal) My Com. ex. Jan 1st, 1901.

STATE OF ARKANSAS

COUNTY OF BENTON.

JAN. 26--1900.

On this day, before me, a Notary Public in and for State and County aforesaid appeared Malissa Turner, who testified as follows;

I am 69 years old; I live in Benton Co. Ark. I knew Mr. Vinson in Franklin Co. Tenn. more than fifty years ago; his children that I knew were; Celia, Lucinda, Rich and Jess. His daughter Lucinda married Lee Downum, and moved with him to Benton Co. Ark. I have known Lucinda and her children here. To the best of my knowledge, neither Lee Downum, or Lucinda his wife was ever married but once. People said Vinson was part Indian. Downums children were; Alex., Wiley, Jim and Missy, and some others I cannot now remember.

Witness:

her
Malissa x Turner
mark.

Esther Turner.

Subscribed and sworn to before me on the day and year aforesaid.

Signed) L. P. Davis?

Notary Public.

(Seal) My Commission expires Jan. 1, 1901.

STATE OF ARKANSAS
COUNTY OF BENTON.

On this 23rd day of January, 1900, came before me a Notary Public, duly acting and commissioned, and acting in the aforesaid County and State, Thomas J. Downum, aged 58, of Springtown, Arkansas, who being duly sworn say. I knew James Vinson in Franklin County, Tennessee, about 1849; he moved from Missipia to Tenn. and moved back to Missipia and died there. I knew that Lucinda his daughter married Lee Downum, and I know that her children was Missey, Esther Elizabeth, Julia Ann, Wiley, Nancy Hannah, James and Elaxander. James Vinson claimed to be part Choctaw Indian. I futher state that I have no interest in the Prosecution of said claim.

(Signed) Thomas J. Downum.

Subscribed and sworn to before me this 23rd day of January, 1900.

(Signed) W. D/ Wasson,

(Seal)

Notary Public.

My Commission expires April 18th 1900.

STATE OF ARKANSAS

COUNTY OF BENTON.

JAN 22nd, 1900.

On this day before me, a Notary Public in and for County and State aforesaid, appeared, Missey, Celia Dotson, who testified as follows:

I am 53 years old next March; I am the oldest child of Lee and Lucinda Downum, neither of whom was ever married but once; my father died in 1863 ; my mother died in 1890. I knew my maternal grand-father, Jas Vinson. He claimed to be one-fourth Choctaw blood. His brothers that I knew were named David, William and Jessie. His Sisters were Celia, Malinda and "Becca".

My grand-father Jas. Vinson was the son of Jas. Vinson, my great grand-father; my great grand-mother, wife of Jas. Vinson Sr., claimed to be one half Choctaw Blood; her maiden name was Becca Switcher. The children of Jas. Vinson, Jr., were Celia, Malinda, James, Rich, Jessie. I knew my grand-father in Tishomingo County Mississippi. I lived in Benton County Ark. My parents were married in Franklin Co. Tenn.

My brothers and sisters were: Esther Elizabeth, Julia Ann, Wylly, Nancy Hannah, Jim , Alex.

(Signed) M. C. Dotson.

Subscribed and sworn to before me on the day aforesaid.

(Signed) L. P. Davis,

(Seal).

Notary Public.

My Com ex jan 1 1901.

STATE ARK.

COUNTY BENTON?

On this day came before the undersigned for the County and State aforesaid, a Notary Public, Esther Elizabeth Brown, who being duly sworn says:

I have living one sister and three brothers, whose names are: as follows:

Missie Dodson, Wile Downum, James Downum and Alex Downum.

Our grand-father James Vincen, who was a quarter blood Choctaw Indian lived and died in Mississippi. Our father and mother come to this county from Mississippi, and neither of them were ever married but one time. Our mother was a daughter of James Vincen.

Witness: (Seal) Esther ^{her} x Elizabeth Brown.
mark

A. R. Smartt.

Sworn and subscribed before me this 22nd day of January, 1900.

(seal)

A. R. Smartt.

My Com Ep Jan 9 1901.

Notary Public.

Cheotaw R-418.

Muskogee, Indian Territory, March 7, 1902.

In the matter of the application of }
William A. Downum for the enrollment }
of himself, his wife, Dora Downum, }
and his three minor children, John, }
Una and Nina Downum, as citizens by }
blood of the Cheotaw Nation.

William A. Downum,
Bentonville, Arkansas.

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 wife and children are entitled to be identified as Mississ-
ippi Cheotaws under the act of Congress of June 28, 1898, which pro-
vides as follows:

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

W. A. D., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your wife and 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.

Commissioner in Charge.

Register.

COPY.

M.C.R. 5565

Muskegee, Indian Territory, January 27, 1903.

William A. Downum,
Springdale, Arkansas.

Dear Sir:

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

- | | |
|-----------------------------|-------------|
| Lizzie Brown, et al. | M.C.R. 6056 |
| Etta Brown | M.C.R. 6057 |
| James A. Brown | M.C.R. 6059 |
| Ethel Johnston | M.C.R. 6058 |
| Lurany Dodson, et al. | M.C.R. 5564 |
| Fancy Pearl Cooper, et al. | M.C.R. 5590 |
| Wiley L. Downum, et al. | M.C.R. 5589 |
| James Bidny Downum, et al. | M.C.R. 5570 |
| William A. Downum, et al. | M.C.R. 5565 |
| Elisabeth Killebrew, et al. | M.C.R. 5566 |

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."

William A. Downum,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Little Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Gurtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Sam E. Downum, Wina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertina Killebrew as Choctaw Indians entitled 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 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,

Jane C. May

Acting Chairman.

Registered.

M.C.R. 5895.

Muskogee, Indian Territory, February 13, 1903.

William A. Downam,
Springdale, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

You state that the letter of the Commission notifying you of its action was not received in time to permit you to submit arguments in support of your claim.

In reply, you are informed that the 15 days from January 27, 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 11, 1903; and on February 12, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

COPY

M.C.R. 3568

Muskogee, Indian Territory, May 19, 1903.

William A. Downum,
Springdale, Arkansas.

Dear Sir:

You are hereby notified that on the 6th 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 Lizzie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

JAMES BIXBY

Chairman.

No. 5565

For Identification as a Mississippi Choctaw.

Date May 14, 1902.

Name William A Downum.

Age 40 Blood 1/16

Post-Office. Springdale, Ark.

Father: Lee Downum D

Mother: Lucinda " D

Claims through Mother
wife Dora Downum L W

No claim for wife.

Children:

Johnnie Lee	"	10
Una E.	"	8
Nina	"	5
Maud M.	"	1

Claims for self and children

R-415 transferred to this appn .

Stenographer G. Rosenwinkel.

REGISTERED No. 125

MAR 17 1902

MAR 24 1902

MAY 1 1902

APR -7 1902

UNCLAIMED.

BENTONVILLE
1902
ARK.

REG. ST.
MAR 8 1902
MUSKOGEE, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



William A. Downum,

Bentonville, Arkansas.

Choctaw MCR 5566

Elizabeth Killebrew

See MCR 6056

MCR 5566

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 14, 1902.

5566

In the matter of the application for identification as Mississippi Choctaws of Elizabeth Killebrew for herself and her minor sister Bertha Killebrew.

Applicants not represented by attorney.

Elizabeth Killebrew being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Elizabeth Killebrew.
Q How do you spell it? A K-i-l-l-e-b-r-e-w.
Q What is your age? A Nineteen.
Q What is your post office address? A Hico, Texas.
Q How do you spell that? A H-i-c-o.
Q How long have you lived at that place in Texas? A I don't know sir just how long.
Q Have you been in Texas about fifteen years? A Yes, sir.
Q Where were you born? A In Missouri (Preempted)
Q Do you know in what place in Missouri you were born? A No, sir.
Q What is your father's name? A Tom Killebrew.
Q Is your mother living? A No, sir.
Q Your father is here before the Commission? A Yes, sir.
Q What was your mother's name? A Nancy Downum.
Q That was her maiden name? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q Your father is a white man? A Yes, sir.
Q Has no Choctaw blood? A No, sir.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Has your mother ever been recognized 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; not that I know of.
Q She never was enrolled as an Indian? A I don't know.
Q You don't think she has? A No, sir.
Q You make application for yourself and anybody else? A No, sir.
Q Don't you make application for your sister? A Yes, sir.
Q You have a right to make application for your sister although your father is present, having no Indian blood, but you are the sister of this little girl and you claim Indian blood and for that reason the Commission allows you to make application for this sister. Your father will be called as a witness in this case in order to testify as to his relationship; what is her name? A Bertha.
Q Killebrew? A Yes, sir.
Q She claims her Choctaw blood as you do through her mother does she? A Yes, sir.
Q You don't know how much you claim for her? A No, sir.
Q How old is Bertha? A Thirteen.
Q Where is she living now, with your father and you at your home? A Yes, sir.
Q Is your name or the name of your sister Bertha on any of the

tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; not that I know of.

- Q Has any one ever made application for citizenship for either you or your sister Bertha to the Dawes Commission under the act of Congress of June 10, 1896; they did not did they? A No, sir.
- Q Has application ever been made either for you or your sister Bertha for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities or any authority before this day; none has been made? A No, sir.
- Q Do you now come before the Commission to identify yourself and your sister as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Neither you nor your sister have ever been made members of the Choctaw tribe of Indians by either the Choctaw tribe authorities, or the United States authorities in Indian Territory? A No, sir; I think not.
- Q Do you claim now as a Mississippi Choctaw for yourself and your sister under article fourteen of the treaty of 1830; you have heard that article read; do you claim under that? A Yes, sir.
- Q You understand that do you? A I think I do.
- Q Tell me all about it; what you understand by it; what was the treaty of 1830 for? A I don't know.

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. It was made on the 27th day of September of that year and was made for the purpose of removing all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Choctaw who stayed back there this article fourteen was drafted and put into the treaty of 1830. It reads, as follows:

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

- Q Do you think you understand that well enough to claim under it now? A Yes, sir.
- 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 is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw; do you claim through James Vinson? A Yes, sir.

- Q What relation was he to you? A My great grandfather.
 Q How much Choctaw blood did he have? A I don't know.
 Q How old would he be if living now? A I don't know.
 Q Did he live in Mississippi at any time in his life? A Yes, sir.
 Q Did he live there in 1830; seventy-two years ago? A I don't know.
 Q Did you ever hear that he lived in Mississippi in 1830 and had a family there then? A I don't know.
 Q You claim through your mother do you? A Yes, sir.
 Q She was born where, if you know? A I don't know.
 Q Where did she die; in what state? A Texas.
 Q Did she always live in Texas or live in some state and come to Texas? A She lived in Missouri for one place.
 Q Did she go from Missouri to Texas? A Yes, sir.
 Q You don't know how long she lived in Missouri? A No, sir.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and 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 Alabama or Mississippi in the old Choctaw Nation, take land there and become citizens of the States? A I don't know sir.
 Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation 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 from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A No, sir; I think not.

The Choctaw Indians who stayed in Mississippi that is in the old Choctaw Nation back in Mississippi and Alabama after the treaty of 1830 was ratified were obliged 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 great many Choctaw Indians did this whose names Colonel Ward 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 the improvements, the government took both from them and sold them. This caused many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of 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 25th of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know sir.
 Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly owned 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 of Congress approved August 23rd 1842; who is William A. Downum? A My uncle.
- Q What relation is Lurany Dodson to you? A My aunt.
- Q No previous application was ever made for you? A I don't know.

The records of the Commission show that no previous application has ever been made for this applicant.

- Q You want to have these cases and yours considered together with the cases of your uncle and aunt? A Yes, sir.
- Q Do you understand the Choctaw language? A No, sir.
- Q Do you want time in which to introduce other evidence if you wish to do so later? A Yes, sir.

Thirty days time is allowed this applicant to present further proof if she desires in support of this claim.

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

Reference is here made to the application of Lurany Dodson et al., M. C. R. 5564.

applicant excused.

Tom Killebrew called as a witness in behalf of the applicants herein after having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Tom Killebrew.
- Q Where do you live? A Hico, Texas.
- Q What is your age? A Forty-four.
- Q You are a white man? A Yes, sir.
- Q Is this young lady Elizabeth Killebrew your daughter? A Yes, sir.
- Q She has just made application for herself and her sister Bertha? A Yes, sir.
- Q That is also another daughter of yours? A Yes, sir.
- Q Your wife was Nancy? A Nancy Downum.
- Q She was the mother of those children? A Yes, sir.
- Q She had Choctaw blood? A Yes, sir.
- Q How much did she have? A I don't know.
- Q How do you know she had Choctaw blood? A Just from what I heard her say.
- Q What was her personal appearance was she dark or light? A Kind of dark.
- Q Dark eyes or blue eyes? A Blue eyes.
- Q Her hair was what? A Rather light.
- Q Somewhat lighter than her daughters? A Yes, sir.
- Q Your daughter Bertha is she light or dark? A She is about the same complexion.
- Q Then she has blue eyes and brown hair? A Yes, sir.
- Q Do you know whether any of the ancestors of your wife Nancy now deceased complied with article fourteen of the treaty of 1830? A No, sir.
- Q Do you know anything about that article at all? A No, sir.
- Q Or about when and where she lived in Mississippi? A No, sir; I did not.
- Q You just heard her talk about it, that is all you know? A That

is all I know about it.

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 May 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

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

Charles H. Sawyer

Notary Public.

Miss. Choctaw 536d

Muskogee, Indian Territory, October 11, 1902.

Lizzie Killebrew,
Hico, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 7, stating that you have proved up your right before the Commission and asking what has been done in your case.

In reply to your letter you are advised that the Commission now has under advisement your application for identification as a Mississippi Choctaw, and it is probable that a decision will be reached within the near future. As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for record.

Respectfully,

Commissioner in Charge.

COPY

M.C.R. 5560

Muskogee, Indian Territory, January 27, 1903.

Elizabeth Killebrew,

Miss, Texas.

Dear Madam:

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

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6058
Ethel Johnston	M.C.R. 6058
Lurany Dodson, et al.	M.C.R. 5564
Nancy Pearl Cooper, et al.	M.C.R. 5590
Wiley L. Downum, et al.	M.C.R. 5589
James Sidny Downum, et al.	M.C.R. 5570
William A. Downum, et al.	M.C.R. 5565
Elizabeth Killebrew, et al.	M.C.R. 5564

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 498), which is as follows:

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

Elizabeth Killebrew,--3

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidenced herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Gurtie Downum, Nerval Downum, William A. Downum, Johnnie Lee Downum, Urs E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled 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,

NEIGH D.

Lanie Kirby.

Acting Chairman.

Registered.

COPY.

M.O.R. 5506

Muskogee, Indian Territory, May 19, 1903.

Elizabeth Millobrew,
Hico, Texas.

Dear Madam:

You are hereby notified that on the 5th 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 Lizzie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

K O R 3566

Muskogee, Indian Territory, July 7, 1903.

Elizabeth Killebrew,
Hico, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 25, 1903, in which you state that you think the evidence offered in your case was sufficient to establish your claim, and ask if it is possible for you to get your land.

In reply you are informed that on May 5, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and sister Bertha Killebrew as Mississippi Choctaws, of which departmental action you were duly advised on May 19, 1903. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

No. 5566

For Identification as a Mississippi Choctaw.

Date **MAY 14 1902**

Name *Elizabeth Killebrew.*

Age *19* — Blood *Don't know*

Post-Office, *Hico, Texas,*

Father: *Tom Killebrew. l*

Mother: *Nancy " d*

* *Claims through mother —*

*Applics for sister —
Bertha Killebrew, 13*

*Claims for self
& sister*

Stenographer *W. Rosenwald —*

Choctaw MCR 5567

William W. Lee

See MCR 41

MCR 5567

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. May 14, 1902.

5567

In the matter of the application for identification as Mississippi Choctaws of William W. Lee for himself and his seven minor children, William L., Alva F., Artie E., Silvester C., Manda M., Laura G., and Marion G. Lee.

L. P. Hudson attorney appearing for applicants.

William W. Lee being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William W. Lee.
Q What is your age? A Forty years old.
Q What is your post office address? A Celony, Oklahoma.
Q How long have you lived there? A I have been in Oklahoma about one year.
Q Where did you go from there? A From Missouri.
Q Where were you born? A Iowa.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Israel Lee.
Q How is that spelled? A I-s-r-a-e-l.
Q What was your mother's name? A Sarah.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth is what my relations claim.
Q What do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you any children that you want to make application for? A A Yes, sir.
Q How many? A Seven.
Q Under age and unmarried? A Yes, sir.
Q Is their mother living? A Yes, sir.
Q What is her name? A Martha A Lee.
Q She is a white woman? A Yes, sir.
Q No Indian blood? A No, sir.
Q You make no claim for her then? A No, sir.
Q What is the name of your oldest child unmarried and under age?

By attorney; I will give them to you.

William L. Lee	16,
Alva F. Lee,	17,
Artie E. Lee,	13,
Silvester C. Lee,	11,
Manda M. Lee,	8,
Laura G. Lee,	6,
Marion G. Lee,	4.

- Q Is that a boy or girl? A Attorney; All boys except Manda.
 Q Is that all? A Attorney; yes, sir.
 Q Is that a correct list of the names and ages of your children Mr. Lee? A Yes, sir.
 Q Are all these children boys except Manda? A Yes, sir.
 Q That is the only girl? A Yes, sir.
 Q You claim for yourself do you? A Yes, sir.
 Q Is your wife Martha A. Lee the mother of these children? A Yes, sir.
 Q You and she and the children live together at home? A Yes, sir.
 Q Have either you or your wife been married before you married each other? A No, sir.
 Q You know where you married your wife Martha? A In Missouri.
 Q When? A December 25th 1891.
 Q Have you proof of that marriage with you? A No, sir.

Thirty days time will be allowed in which to introduce further proof in support of this claim if you wish.

- Q Is your name or the names of any of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q This is the first application you have ever made or any one for you or your children for citizenship in the Choctaw Nation either to the Dawes Commission or the Choctaw tribal authorities? A Yes, sir.
 Q You never have been admitted to citizenship in the Choctaw Nation? A No, sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws? A Yes, sir.
 Q You claim under article fourteen of the treaty of 1830? A I don't know-----Yes, sir.
 Q You don't know much about that article? A No, sir.
 Q You knew anything about 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. It was made on the 27th day of September 1830 for the purpose of removing all of the Choctaw Indians from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and 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. 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 Choctawannuity."

- 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 as a Choctaw Indian? A I guess that would be my grandmother, would it not; that is as far as I can go.
- Q Give me her name in full? A I don't know whether I can or not. I reckon it is her.
- Q Give me the best name you can? A I don't know, I always called her grandmother Cunningham.
- Q You give me the whole if it if you can; was it Sarah, Jane or Lizzie or don't you know? A Sarah I think.
- Q You want to give Sarah? A I don't know what it was.
- Q Was Cunningham her name before she married? A Yes; before she married.
- Q Do you know the name of her husband? A Yes, sir.
- Q What was it? A William Dickenson.
- Q How do you spell that? A D-i-c-k-e-n-s-o-n.
- Q Now you should have said in answering that question that your grandmother's name was Dickenson; was William a white man? A Yes, sir.
- Qx How much Choctaw blood did his wife have if you know? A I don't know.
- Q How do you know you have one-sixteenth? A I don't know only what my other folks claim.
- Q This is your grandmother is it not? A Yes, sir.
- Q If you claim one-sixteenth and you claim through your mother she must have had one-eighth or twice as much as you and if she claimed through her mother or your grandmother, Mrs. William Dickenson, she would have one-half of her mother or one-quarter; if you know that you have one-sixteenth you know your grandmother would have one-quarter but you don't know positively about that, do you? A No, sir.
- Q You will have to rely on the testimony of other relatives for the quantity of blood of your common ancestor? A Yes, sir.
- Qx Have any other relatives of yours been before the Commission to be identified as Mississippi Choctaws? A Yes, the Beens have.
- Q Did your grandmother Dickenson live in Mississippi in 1830, seventy-two years ago? A I don't know.
- Q Did she ever live in Mississippi or Alabama to your knowledge? A I don't know.
- Q Can you give the name of any Choctaw ancestor who did live in the old Choctaw Nation in Mississippi and Alabama in 1830 or any other time? A Yes, sir.
- Q Now then how do you know that you have Choctaw Indian blood from an ancestor who ever lived in Mississippi or Alabama in the old Choctaw Nation? A I don't know.
- By attorney.
- Q You have been told so? A Yes, sir.

#4

- Q How would you expect to know unless you get it from some member of your family; you would not expect to get these ancestors to come down and tell you; do you get the information from your family? A Yes, sir.
- Q Did any of your Choctaw ancestors own or possess any improvements on land in Mississippi or Alabama in 1830? A Never that I know of.
- Q You claim through your mother? A Yes, sir.
- Q When did she die? A May 9, 1881.
- Q How old was she when she died? A I don't know that I can tell you; about forty-nine I think.
- Q Where was she born? A I don't know.
- Q Where did she live during the most of her life time? A First in Iowa and then in Missouri; that is where she died.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the 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 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.

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 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 great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect caused a good many Indians who had land in the old Choctaw Nation in Mississippi and Alabama upon which they had improvements to lose both the land and the improvements which they had upon it. Both were taken from them by the government and sold at its public land sales and on this account numerous complaints were made and Congress appointed Commissions, one in 1837, and another in 1842. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A No, sir; I do not.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it 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 Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I knew of.

William Been M.C.R. 4675 is here referred to for the purpose of consolidation.

- Q Is William Been a relative of yours? A Yes, sir.
 Q What relation? A He is my cousin.
 Q You want his case referred to so that it can be consolidated with your case? A Yes, sir.
 Q And also all other relatives who may claim in future through the same common ancestor through whom you claim? A Yes, sir.
 Q Have you any documentary evidence you want to introduce now? A

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty days from this date, including marriage certificates.

Motion is granted.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; looks considerably sun burned; blue eyes; dark hair; he does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 14, 1902.

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

G. Rosenwinkel
Committee
 Notary Public.

COPY.

M.C.R. 5567

McKegee, Indian Territory, February 17, 1903.

William W. Lee,
Colony, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Golclasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mellie C. Little, et al.,	M.C.R.	5569
William H. Dunn, et al.,	M.C.R.	8015
Henry E. Dunn, et al.,	M.C.R.	4998
John H. Fralcy, et al.,	M.C.R.	5894
William A. Fralcy, et al.,	M.C.R.	5915
Ida P. Moore, et al.,	M.C.R.	5896
Mellie J. Perrymore, et al.,	M.C.R.	5895
John Fralcy, et al.,	M.C.R.	8053
George W. Fralcy,	M.C.R.	8054
Martha M. Thomas, et al.,	M.C.R.	4834
William Thomas,	M.C.R.	4836
Milton Thomas,	M.C.R.	4857
George M. Thomas,	M.C.R.	4838
William Deen, et al.,	M.C.R.	4878
McClelland Deen,	M.C.R.	4835
Jenettie M. Lathrum, et al.,	M.C.R.	4836
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Gurley, et al.,	M.C.R.	8041
Ob Dunn, et al.,	M.C.R.	8274
Arlema M. Kreipke, et al.,	M.C.R.	6219
John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl H. Moore, Mollie J. Perrymore, Thomas P. 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, Icoil Lathrum, William W. Lee, William L. Lee, Alva P. Lee, Artie E. Lee, Silvester C. Lee, Wanda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Barton Curley, Ob Dunn, Ora Lee Dunn, William P. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John P. 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

William V. Lee, -3

the applications made by John E. Dunn for the identification of his wife, Nellie Dunn, and by Nellie G. 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,

Tamie Bixby.

Acting Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRACKINRIDGE.

WM. O. BRALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

107.0.B.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5567

Muskogee, Indian Territory, August 27, 1904.

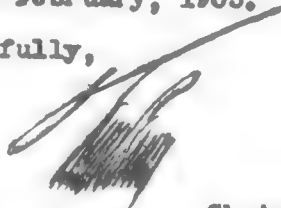
William W. Lee,

Colony, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 14 1902

Name William W. Lee.

Age 40 — Blood 1/16 —

Post-Office, Colony, Okla.

Father: I^Ereal Lee, l.

Mother: Sarah " d

Claims through mother
 wife, Mauda A. Lee, w. l.
 No claim for wife -

Children:

William L. Lee, M 18

Alva F. " M 17

Artie E " M 13

Silvester C " M 11

Mauda M. (F) 8

Louisa C " M 5

Marion O " M 4

Claims for self &
 children

Stenographer G. Rosenwald.

MUSKOGEE INDIAN
SEP 18 9 PM
1904

SEP 20 4
1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

SEP 26 1904



CHAS. H. HAY

Choctaw MCR 5568

Lula Lewis

See MCR 5052

MCR 5568

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 14, 1902.

5568

In the matter of the application for identification as Mississippi Choctaw of Lula Lewis for herself and her five minor children, Mary Myrtle, Edgar Flynn, Constance Leolian, Essie Lewis and Homer Ray Lewis.

A. S. McRae, attorney for applicants.

Lula Lewis being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lula Lewis.
Q What is your age? A Thirty years old.
Q What is your post office address? A Lyons, Oklahoma.
Q How long have you lived there? A I have lived in Oklahoma ten years.
Q Where did you live before that? A In Arkansas.
Q Where were you born? A In Alabama.
Q From Alabama you went over to Arkansas? A No, sir; to Mississippi.
Q Then you went where? A From Mississippi to Arkansas.
Q From there where? A Oklahoma.
Q How long did you live in Mississippi? A Five years.
Q Before that you lived in Alabama? A Yes, sir.
Q How long did you live in Alabama? A I don't know.
Q What is your father's name? A P. T. Zeigler.
Q Is he living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is her name? A Louisa Zeigler.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A I claim about one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not as I know of.
Q Is your husband living? A Yes, sir.
Q What is his name? A Richard H. Lewis.
Q Is he living? A Yes, sir.
Q What is his blood? A Full blood colored Negro.
Q Has he any white blood? A No, sir.
Q Any Indian blood? A No, sir.
Q You make no claim for him then? A No, No.
Q You claim your Choctaw blood through your mother; what was her other blood, other than Choctaw? A Why colored.
Q Did she have any white? A I don't know; I don't think she did.
Q Your father's blood was what? A He was Dutch and colored.
Q Were either of your parents or their ancestors slaves at any time? A No not as I know of.
Q How how many children have you that you want to make application for? A Five.
Q What is the name of the oldest? A Mary Myrtle Lewis.
Q How old? A Six years old.

#2

- Q Next? A Edgar Flynn.
Q How old is he? A Five years old.
Q What is the name of the next? A Constance Leolian.
Q C-o-n-s-t-a-n-c-e? A That is a girl.
Q How old? A She is four years old.
Q Now the next? A Essie Lewis.
Q How old? A She is three years old.
Q Next? A The next is Homa Ray, that is a latin word and means a man.--H-o-m-a.
Q How old is Homa? A He is one year old.
Q Is that a boy? A Yes, sir.
Q Is Richard H. Lewis the father of these children? A Yes, sir.
Q Are you and he and this child all living together 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 names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I have never made any.
Q You never have made application for yourself or children for citizenship in the Choctaw Nation before this application? A No
Q You have never been admitted to citizenship in the Choctaw Nation as members of the Choctaw tribe either 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 identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A Not altogether I don't.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek. It was made on the 27th day of September of that year, 1830. The object of that treaty was the removal 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 interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. It reads as follows:

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

include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that well enough to claim under it do you think? A I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Louisa Zeigler.
- Q That is your mother? A Yes, sir.
- Q Well go back further, as far as you can and give me the name of the ancestor who lived in Mississippi in 1830, if you can? A My great grandfather.
- Q What was his name? A Josh Pickens.
- Q Did he live in Mississippi in 1830? A That I don't know but mother and father say he did.
- Q He was your great grandfather? A Yes, sir.
- Q Did he have a family in Mississippi in 1830; seventy-two years ago? A I don't know.
- Q Did you ever hear that any Choctaw ancestor of yours lived in Mississippi in 1830 and was the head of a family there then? A I heard my mother say so.
- Q Who, did she say was the head of a family in Mississippi in 1830? A Why her father, --Mother's father.
- Q That would be your grandfather? A Yes, sir.
- Q What was his name? A Jim Pickens.
- Q Then Jim Pickens would be the ancestor through whom you claim? A Yes; No, Josh Pickens.
- Q I want the one that lived in Mississippi in 1830 and had a family there then? A Josh Pickens.
- Q How do you know he lived in Mississippi in 1830 and had a family there then? A From my mother.
- Q You have no family history or record showing that; only what you have been told? A That is all; what maamma told me.
- Q How old would he be if living now? A I don't know but I suppose something over a hundred years old.
- Q Where was he born? A I don't know.
- Q Where did he die? A I don't know that.
- Q You claim through your mother and she is how old? A Between forty-eight and fifty-four.
- Q Where was she born? A In Alabama so she told me, I don't know.
- Q She went from Alabama to where? A Mississippi.
- Q From there where? A Arkansas.
- Q Then where? A Oklahoma.
- Q And is there now? 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, within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know that either.
- 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 don't know that either.

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The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of 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 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 their improvements both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that on account of the complaints in 1837, by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, 1842, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under that article? A No, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw nation and which the government had taken from them and sold? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23rd 1842. Have you any relatives besides your mother who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes; I have a sister.
- Q What is your mother's name? A Louisa Zeigler.

Louisa Zeigler, number 3052, is here referred to.

- Q You want to have your case and your sister's case and your mother's case all considered together? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to tell in support of your claim; anything more you want to say? A ---

By attorney:

We would like to ask your honor if the name of the ancestor through whom she claims is upon the rolls?

By the Commission:

Josh Pickens.

By attorney:

Yes, sir.

Commission:

- Q You mean you would like to look at the records? A

Attorney:

Yes, sir.

#5

By the Commission.

Index to Volume 7, American State Papers, examined and the name of Josh Pickens not found thereon.

- Q You never heard that Josh Pickens' name was in the list of Choctaw claimants under the treaty of 1830? A I don't remember.
Q You claim one-eighth Choctaw blood? A Yes, sir.

This applicant has the appearance of being descended from mixed ancestry in which the African predominates, but she has the features and characteristics and somewhat of the color of a Choctaw Indian. The Commission is unable to determine whether the Negro and Indian or the Negro and White predominates. She has some Choctaw blood which she gets from her father P. T. Zeigler. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of May 1902.

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

G. Rosenwinkel
Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, July 25, 1902.

Lula Lewis,

Lena, Oklahoma.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Louisa Zeigler, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisa Zeigler, et al.,	N O R	5082
Lula Lewis, et al.,	"	5568
Queenie E. Rouse, et al.,	"	5530

These applications were made under the provisions of the act of Congress of June 25, 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:

Lula Lewis-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa Zeigler, Cleo Zeigler, Sweet Zeigler, Lula Lewis, Mary Martie Lewis, Edgar Flynn Lewis, Constance Leolian Lewis, Essie Lewis, Home Ray Lewis, Chagnis M. Hance and Mance Hance as Choctaw Indians, entitled 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)

T. B. Jewell

Commissioner in Charge.

Registered.

M.C.R. 5560.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Lula Lewis,
Lyons, Oklahoma.

Dear Madam:

You are hereby advised that on the 25th day of August 1902, the Secretary of the Interior affirmed the decision of the Commisid on refusing the applications for identification as Mississ-ippi Choctaws of the several persons included in the consolidated case of Louisa Zeigler, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

(SIGNED).

Fame Dixby

Acting Chairman.

Muskogee, Indian Territory, February 14, 1903.

A.G. Bowles,

Lacey, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you state, "I would like to know if there was ever an Indian by the name of Lula Lewis allotted in the Choctaw Indian country; and if such an Indian has been allotted, I would like to know on what grounds they established their claims, whether they were Indians or slaves."

In reply to your letter, you are informed that it appears from the records of the Commission that Lula Lewis, 20 years of age, wife of Richard H. Lewis, residence Lyons, Oklahoma, on May 14, 1902, submitted her application for identification of herself and minor children, Mary Myrtle, Edgar Flynn, Constance L., Essie and Homa May Lewis as Mississippi Choctaws.

The Commission on July 25, 1902, rendered its decision refusing her application, and on the same date she was notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

A O B 2

On August 25, 1902, the Secretary of the Interior approved the decision of the Commission in this case, and on September 5, 1902, the principal applicant was duly notified of such departmental action.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw

Date MAY 14 1902

Name Lula ; Lewis,

Age 30 — Blood '18

Post-Office Lyons, Okla.

Father: P. T. Zeigler, ^{and wife} l.

Mother: Louisa " l.

Claims through Mother —

Husband Richard H. Lewis, l. ^{Colonial}

No claim for husband

Children:

Mary Myrtle Lewis, 6

Edgar Flynn " 5

Constance L. " 4

Essie — " 3

^{Homa} ~~Therese~~ Ray "(M)" 1

Claims for self &

5 children

Choctaw MCR 5569

Mollie C. Little

See MCR #1

MCR 5569

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 13, 1900.

In the matter of the application of Mollie C. Little for enrollment as a Choctaw by blood; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Mollie C. Little.
Q What is your age? A Twenty-three.
Q What is your post-office address? A Cliff I.T.
Q How long have you lived at Cliff? A About a year and a half.
Q Where did you live before you established your residence at Cliff? A At Fox, I.T.
Q How long have you lived in the Indian territory? A About seven or eight years.
Q Have you been living here continuously for the past seven years? A Yes sir.
Q What is the name of your father? A J.H. Dunn.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does he claim to have? A One-eighth.
Q Has his name ever been on the Choctaw Tribal rolls? A No sir.
Q Has he ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A No sir.
Q Did he ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A Yes sir.
Q To the Choctaw Tribal authorities or to the Dawes commission? A To the Dawes commission.
Q When did he apply to the Dawes commission? A In 1896.
Q He never did apply to the Tribal authorities then? A I think not.
Q Was he admitted or rejected by the Dawes Commission? A He was rejected I think.
Q What is the name of your mother? A Ellen Dunn.
Q Is she living? A No sir, she is dead.
Q Was she a white woman? A Yes sir.
Q She never claimed to be an Indian? A No sir.
Q What proportion of Choctaw blood do you claim to have? A One-sixteenth.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw nation? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896 for admission to citizenship in the Choctaw Nation? A I think I was on the application my father made.

Records examined:

Choctaw 1896 Citizenship Docket "G";
page 262, Choctaw case #311, John H. Dunn, vs Choctaw Nation,
Application filed September 7th, 1896; Answer of the Choctaw Nation filed; application denied by the Commission December 2nd, 1896; no record of any appeal.)

- Q What makes you think that your name was in the application? A That is what I have been taught.
Q You never saw the original application did you? A I don't remember whether I saw the application or not; I don't know that I did.
Acting Chairman Bixby: The record shows that your father was denied also.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your husband? A Yes sir.
Q What do you claim him to be? A Mississippi Choctaw by marriage.

- Q You claim him to be a citizen of the Choctaw Nation by inter-marriage? A Yes sir.
- Q What is his name? A Willie Little.
- Q How old is he? A Twenty.
- Q Is he a white man? A Yes sir.
- Q What is the name of his father? A Samuel Little.
- Q Is he a white man? A Yes sir.
- Q What is the name of his mother? A Becky Little.
- Q She never claimed to be an Indian did she? A No sir.
- Q Under what law did you marry? A I married under the United States law I guess.
- Q Where? A At Ardmore.
- Q When? A January 8th, 1900.
- Q Have you your marriage license and certificate with you?
- A Yes sir.
- Q Do you wish to offer it in evidence? A Yes sir.
(Marriage license and certificate offered and placed on file.)
- Q Have you any children? A No sir.
- Q Is there any additional statement in regard to your case that you would like to make at this time? A I would like to in the near future. I am not prepared now.
- Q Have you any papers you would like to file in regard to your case? A Only what I gave you.

You will be permitted to file any additional evidence in the form of statements, affidavits or other proper papers that you may desire to. This testimony in this case and such papers as you may desire to file with this commission will be transmitted to the Honorable Secretary of the Interior for his ~~consideration~~ consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Your enrollment as a Choctaw Indian by blood, and the enrollment of your husband as an intermarried citizen of the Choctaw Nation is refused, for the reason that your name or the name of your husband does not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this commission, and for the additional reason that it does not appear from the testimony in this case, or the records in the possession of ~~it~~ that you have ever been recognized by the properly constituted authorities of the Choctaw Nation as a citizen of the Choctaw Nation by blood, and for the additional reason that you or your husband were not admitted by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

The enrollment of your husband as an intermarried Choctaw is refused for the additional reason that it appears from the testimony and the documentary evidence ~~in this case~~ offered in this case that you were not married under Choctaw law as required by the laws of the Choctaw Nation.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

M.D. Green

Subscribed and sworn to before me this 18 day of June 1900.


Acting Chairman.

R. 583
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nellie G. Little for enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of her husband as an intermarried citizen of the Choctaw Nation.

The applicant, Nellie G. Little, appeared before the Commission at Colbert, Indian Territory, June 15th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment as a citizen by blood of the Choctaw Nation and for enrollment of her husband Willie Little as an intermarried citizen of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant and her husband were not married under Choctaw law as required by the laws of the Choctaw Nation.

The application for enrollment as a citizen by blood of the Choctaw Nation of Nellie G. Little and for enrollment of her husband Willie Little, as an intermarried citizen of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.


Acting Chairman.

Colbert, Indian Territory, _____, 1900.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I.T. May 15, 1902.

5569

In the matter of the application for identification as Mississippi Choctaws of Mollie C. Little, for herself and two minor children, Clarence Quintin and Reuel W. Little.

Applicants not represented by attorney:

Mollie C. Little having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mollie C. Little.
Q What is your age? A Twenty-four.
Q What is your post office address? A Kingston.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Kingston? A Since the 28th of February last.
Q How long have you lived in the Indian Territory altogether? A Since ninety-two.
Q Where did you live before that? A In Arkansas.
Q And where was you born? A I was born in Arkansas.
Q At what place? A Greenwood, Arkansas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is the name of your father? A J. H. Dunn.
Q What is the name of your mother? A Her maiden name?
Q No? A Ellen Dunn.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one-sixteenth part.
Q You claim one-sixteenth? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian 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 No, sir.
Q Do you know when and where they were married? A No, sir, I could not tell you just now.
Q You can introduce that later? A Yes, sir.

Thirty days time is allowed for that purpose.

- Q Your husband living? A Yes, sir.
Q He is a white man? A Yes, sir.
Q What is his name? A W. J. Little.
Q You make no claim for him? A Well I did in the first application but I don't suppose there is any use now.
Q There is no authority given to the Commission by law to identify a person as an intermarried Mississippi Choctaw? A Yes, sir.
Q You wish then to make a plea for these children do you? A Yes, sir.
Q What is the name of the oldest child? A Clarence Quintin Little.

#2

- Q How old is he? A Nineteen months old.
- Q What is the name of the other child? A Reuel W.
- Q How do you spell that? A R-e-u-e-l.
- Q How old is Reuel? A Five months old.
- Q Boy? A Yes, sir.
- Q You claim for yourself and child do you? A Yes, sir.
- Q Is W. J. Little the father of these children? A Yes, sir.
- Q Were either you or he married before you married each other? A No, sir.
- Q Your husband and you and children are living together at your home? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A I did in 1900.
- Q No, to the Choctaw tribal authorities? A No, sir; to the Dawes Commission.
- Q You never made application in 1896? A My father did.
- Q Yes; but you? A No, sir.
- Q Did your father make application for you at that time? A I was a minor then, I suppose he did.
- Q What was done with that application? A He was rejected.
- Q He did not take an appeal to the United States Court did he? A No, sir.
- Q You remember the date when you did make application to the Dawes Commission for enrollment as a Choctaw by blood; you remember the year? A It was 1900.
- Q You appeared at Colbert, Indian Territory? A Yes, sir.
- Q June 13, 1900? A I suppose so.
- Q And there made application for enrollment as a Choctaw by blood; did you make application for any one besides your self? A I have put in a claim for my husband as an intermarried.
- Q Your children were not born at that time? A No, sir.
- Q Do you want now to have the record made in that application number 583 transferred to this application and made a part of this record? A Yes, sir; I suppose so. I know very little about it except what I have been told, mostly by my grandmother.

The application made by Mollie C. Little, R-583, is here referred to, to be considered with this application.

- Q Do you now come before the Commission to identify yourself and your two minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir; I could not say that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830 and was made for the purpose of inducing the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi River to go to the Choctaw Nation West of the Mississippi River. That was the purpose and the object of making this treaty. 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 for that reason article fourteen was put into the treaty for the protection of the interests of the Indians who stayed back there East of the Mississippi River. 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 Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830 or not? A I could not say; my grandmother came from Mississippi when she was seven years old as well as I remember.
- Q You remember the date when she came? A No, sir; but I could find out, her application is here.
- Q You are not able to state then whether any of your Choctaw ancestors did comply with article fourteen or not? A No, sir; I could not say.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her married name; full married name? A Amanda I. Dunn.
- Q What was her husband's name? A Frederick Dunn.
- Q What was her maiden name? A Amanda I. Yates.
- Q Y-a-t-e-s? A I guess so.
- Q Did she live in Mississippi in 1830; seventy-two years ago? A A Yes; because she came when she was seven years old and she is seventy-four now.
- Q How old would she be if living now? A She is seventy-four.
- Q Is she living now? A Yes, sir.
- Q She is seventy-four now? A Yes, sir.
- Q And was born in Mississippi? A Yes, sir.
- Q Now I want you to give me the name of your ancestor, if you can, who lived in Mississippi in 1830 and who had a family of children there at that time; you say Amanda Yates your grandmother was born in Mississippi; can you tell me the name of her parent who was a Choctaw and lived in Mississippi? A John Yates, and she was the only child I think.
- Q John Yates had the Choctaw blood? A No, sir; I don't think it was, I think it was through his wife Cunningham.
- Q Amanda Yates, your grandmother, had to get her Choctaw blood either through her father or mother; now did she get it from the mother? A Yes, sir.
- Q How the mother's name is what we want; what was your grandmother's mother's name? A Yocubbee.
- Q How do you spell that? A Y- - I could not tell you; that was her surname.
- Q That was the only name that you know she had? A Yes, sir.
- Q She was your great grandmother? A No, sir.
- Q She must have been if she was the mother of Amanda I. Yates; I want the name of the mother of Amanda Yates? A Her name is Cunningham.
- Q Well where does Yocubbee come in? A Well my father knows

I don't.

- Q Well if you don't know you must say so? A Yes, sir.
 Q I want the name of the mother of Amanda I. Yates? A I don't know that for certain.
 Q Then the only name that you can give is Amanda I. Yates who is seventy-four years old now? A Yes, sir.
 Q Do you think if you were given time that you could find out the name of the father or mother, whichever had the Choctaw blood, of Amanda I. Yates? A Well it is on record here in my grandmother's application.

That record will be considered with your application and at the same time you will be allowed thirty days in which to file any other testimony you want to.

- Q Now who is Yocubbee? A It is my grandmother's ancestor but I don't know which one.
 Q Who is John Yates? A He was Amanda I. Yates's father.
 Q He was a white man was he not? A I could not say that.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I could not say.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States; you don't know about that do you? 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 and 1838 or forty? A I don't know.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; I could not say.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the 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 States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. The result of his neglect was to cause a good many Indians who had land in the old Choctaw Nation upon which they had improvements to have both their land and their improvements taken from them by the government and sold. This caused so many complaints that finally in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors either Amanda I Yates or John Yates or any other ancestor ever went before either of these two Commissions and claimed rights under article fourteen of that treaty? A No, sir; I could not say.
 Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation? A I don't know.

#5

- Q Now can you give me the names of any of your relatives who have been here before the Commission to be identified as Mississippi Choctaws? A My father and aunt and grandmother.
- Q What was your father's name? A J. H. Dunn.
- Q Would you like to have his application and the applications of all of your other relatives considered with yours? A Yes, sir.

The case of Amanda I. Dunn is here referred to for the purpose of consolidation.

A certificate signed by Amanda I. Dunn, presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is there any other evidence you want to introduce now? A That is all I have, is it necessary for me to get my father's or any others.
- Q You must use your own judgment about that.

Time is extended to this applicant in which to present other testimony or evidence.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; fair complexion; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 15, 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 May 1902.

G. Rosenwinkel

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

Charles H. Sawyer

Notary Public.

Muskegee, Indian Territory, April 21, 1902.

Mellie C. Little,
Kingston, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, which has evidently been written in reply to our communication of March 12, 1902, in which you were notified that you would be allowed thirty days from that date within which to submit to this Commission affidavits showing that you claim a right to be identified as a Mississippi Chectaw under the act of Congress of June 20, 1890.

In your letter of the 9th instant, you request that you be granted fifteen days additional time for the purpose of submitting such affidavits and also request that you be supplied with two blank applications for the enrollment of infant children for the purpose of submitting the applications of your children born since the time application was made by you June 13, 1900.

Replying to your inquiry you are advised that if it is your intention to prosecute any rights that you might have for the identification of yourself and your two children as Mississippi Chectaws claiming rights in the Chectaw lands under the provisions

NO 12

of the fourteenth article of the treaty of 1830, that it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory, for the purpose of examination under oath. Such application should be made within thirty days from the date hereof and at that time the Commission will also make a record of your two minor children born since the making of your original application.

Yours truly,

Acting Chairman.

Miss. Choctaw 5509.

Muskogee, Indian Territory, May 23, 1908.

Mollie C. Little,
Kington, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 17, in which you state that you cannot remember what affidavits you were requested to furnish in support of your application for identification as a Mississippi Choctaw at the time of your personal appearance at Muskogee, Indian Territory, May 15, 1908, and ask to be advised concerning the matter.

In reply to your letter you are advised that it appears from the record in this case that you were allowed thirty days from May 14, 1908, in which to introduce the marriage license and certificate between your father and mother and such other evidence as you might desire to offer in support of your claim.

Yours truly,

Acting Chairman.

Miss Choctaw R5669

Muskogee, Indian Territory, June 7, 1902.

Mollie C. Tittle,

Kingston, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of letter addressed by you to the County Clerk of Pope County, Arkansas, relative to evidence of marriage between J.H. Dunn and Ellen Woodward, your father and mother, on which is the endorsement of the Clerk that the marriage is not on record in his office, and the same is herewith returned to you. If you cannot secure a certified copy of the marriage license and certificate between your father and mother, the commission will accept as evidence of the marriage, the certificate of the Clerk of the Court for the county in which the marriage was performed, to the destruction of the records, and the affidavits of two disinterested persons who were present at the marriage.

Yours truly,

Miss. Choc. 5569

Muskogee, Indian Territory, July 17, 1902.

Hollie C. Little,
Kingston, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing a certificate of the Clerk of Johnson County, Arkansas, to the effect that no record of the license or certificate of the marriage of J. H. Dunn and Ellen Woodward can be found in his office, and the same has been filed with the record in your case. The Commission will require evidence of the legal marriage of your father and mother, which you may supply by furnishing the affidavits of two disinterested parties who were witnesses to their marriage.

Yours truly,

Acting Chairman.

K C R 5509

McAlester, Indian Territory, July 25, 1903.

Mellie G. Little,
Kingston, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing affidavits of Jasper H. and Ellen Cox to the marriage of J. H. Dunn and Ellen Woodward which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

M C R 8569

Muskogee, Indian Territory, January 27, 1905.

Mollie C. Little,

Kingston, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th inst., in which you ask "what disposition has been made of my claim for citizenship as a Mississippi Choctaw."

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 the present time, reached any opinion or decision relative to your right to such identification but is now considering your application and it is probable a decision will be rendered in the near future. You will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY

M.C.R. 5569

Muskogee, Indian Territory, February 17, 1903.

Mollie C. Little,

Kingston, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5915
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Ferrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

Mollie C. Little,-2

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine 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, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida P. Moore, Fearl R. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Mina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Gora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johanie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin 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

Mellie C. Little, -3

the applications made by John H. Dunn for the identification of his wife, Mellie Dunn, and by Mellie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5085

Muskogee, Indian Territory, August 27, 1904.

Mollie C. Little,
Kingston, Indian Territory,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tamm Birby

Chairman.

MEMORANDA.

Name Mollie C Little (23) (Date) June 13, 1900.
Cliff, J. J.

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? yes (1/16) Mother's citizenship (N.S)

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

~~With~~ (Husband) / Willie Little (20) ←

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? yes Samuel Little, (father)

Married under what law? Becky Little, (mother)

License filed this day _____

Names of children:

County	Year	Page	No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

John H. Dunn, (father) (1/8)
Ellen Dunn, (mother)

For Identification as a Mississippi Choctaw.

Date MAY 15 1902

Name Mollie C. Little,

Age 24 Blood 1/16

Post-Office, Kingston, I. T.

Father: J. H. Wynn l

Mother: Ellen " d

Claims through father
Husband W. J. Little - l. w.

No claim for husband -

Children:

Clarence D. Little, (M) 19 m

Reuel H. " (M) 5 m,

Claim for self
and children

Choctaw MCR 5570

James S. Downum

MCR 5570

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 16, 1902.

9570

In the matter of the application for identification as Mississippi Choctaws of James Sidney Downum for himself and his four minor children, Lulu, Ellen, Gurtie and Norval Downum.

Applicants not represented by attorney:

James Sidney Downum being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A J. S. Downum.
Q What is your full name? A James Sidney.
Q What is your age Mr. Downum? A Forty-four.
Q What is your post office address? A Chickie Chockie.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Indian Territory? A Two years last November.
Q Where did you live before that? A Arkansas.
Q Where were you born? A Arkansas.
Q At what place in Arkansas? A Benton, 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 Lee Downum.
Q What was your mother's name? A Lucinda.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth I reckon.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities? A Not that I know of.
Q Is your wife living? A Yes, sir.
Q How many children have you underage? A Four.
Q Unmarried? A Yes, sir.
Q Your wife is living and is a white woman? A Yes, sir.
Q What is her name? A Millie, M-i-l-l-i-e.
Q She has no Choctaw blood? A No, sir.
Q Do you claim for your wife or not; she is a white woman? A She is a white woman.
Q Well do you make any claim for her as a Choctaw Indian then? A A No, sir; I don't know about that.
Q There is no law to enable you to make application for your wife but of course if you want to make a claim for her why you can. Now you must answer the question do you want to claim for your wife or not? A No, I guess not.
Q How many children do you want to claim for? A Four.
Q What is the name of the eldest? A Lulu.
Q L-u-l-a? A Yes, -----No it is L-u-l-u.
Q How old is she? A She is thirteen years old.
Q Next? A Ellen.
Q Is that right? A Yes, sir.
Q How old is Ellen? A She is nine.
Q Next? A Let me see, she is nine.

#2

- Q How the next? A Eight.
- Q What is her name? A Gurtie.
- Q How do you spell that? A G-u-r-t-i-e.
- Q What is the name of the next? A Norval.
- Q How do you spell it? A N-a-r-v-l.
- Q You got it N-e-r-v-a-l on this paper; is that the way to spell it? A Yes, sir.
- Q How old is he? A Six years old.
- Q Is your wife Millie the mother of these children? A Yes, sir.
- Q Your wife and children are living with you at your home? A Yes, sir.
- Q Were either of you, you or your wife, married before you married each other? A No, sir.
- Q Have you the marriage license of the marriage between yourself and your wife? A Yes, sir.
- Q Have you got it with you? A No, sir; it is at home.
- Q You want to present it later? A Yes, sir.

You will be allowed a little time in which to do so.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of, only that I made application two years ago.
- Q Did you ever make application to the Choctaw tribal authorities, the Choctaw Nation? A I did then.
- Q No, you did not; you made application to the Dawes Commission? A Yes, that is right.
- Q Well did you ever make application to the Choctaw tribal authorities to be admitted with your children? A Not that I know of.
- Q Well you ought to know whether you made application to the Choctaw tribal authorities or not? A No, sir.
- Q Now, have you ever made application to the Dawes Commission? A Yes, sir.
- Q You made application for Choctaw citizenship for yourself and children in 1900, did you not? A Yes, sir.
- Q Do you remember the exact date? A No, sir; I do not.
- Q Was it February 24th? A It was in February I believe the 24th since you mentioned it.
- Q What name did you give at that time for yourself? A James, J. S. I think.
- Q You gave your name as James M. Downum? A It ought to have been James S.
- Q Well why did you give it James M., don't you know your own name? A Yes, sir.
- Q Are you the same person as the James M. Downum whose name appears on this application of February 24, 1900? A I reckon I am.
- Q Now you have the names of every one of your children wrong in that application; don't you know the names of your own children? A I reckon I do.
- Q In the application in 1900, February 24th, your child's name Lulu was spelled L-u-l-a, in the testimony you want to have it spelled L-u-l-u now? A Yes, sir.
- Q Your child Gurtie's name was spelled in the testimony taken at that time, G-u-r-t-i-e; you give it now G-u-r-t-i-e; you want it this way? A Yes, sir.
- Q You now give the name of a child as N-o-r-v-a-l but you gave the name of this child N-a-r-v-a, two years ago; this is the same child? A Yes, sir.
- Q You want it N-e-r-v-a-l or N-a-r-v-a? A N-o-r-v-a-l.
- Q That is the same child is it? A Yes, sir.
- Q When you made your application two years ago you gave the name of

your wife M-i-l-l-e-y, and you now give it as Millie? A Yes, sir.

Q Which is right? A M-i-l-l-i-e.

Q That is the same person whose name was given as M-i-l-l-e-y, two years ago? A Yes, sir.

Do you want your application made by you February 24, 1900, R-417, considered with this present application; you want this to be made a part of your present application? A Yes, sir.

Reference is here made to Choctaw R-417, and the record in that application is included with this application.

Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q You understand article fourteen of that treaty? A Yes, sir.

Q You don't care to have it further explained? A No, sir.

It reads, as follows:

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

Q What is the name of your ancestor that you claim through? A Jimmie Vinson.

Q V-i-n-s-o-n? A I guess that is it.

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

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Not that I know of.

Q How old would Jimmie Vinson be if he were living now? A Pretty near a hundred I guess.

Q Did he use to live in Mississippi or Alabama? A Yes, sir.

Q Which? A He lived in Mississippi and Alabama both.

Q Did he live in Mississippi in 1830? A I could not say.

Q Did he live in Alabama in 1830? A I could not say that.

Q Do you know whether he lived in that old Choctaw Nation in 1830 and had a family there then? A No, sir; I don't know.

Q You claim through your mother do you? A Yes, sir.

Q Where was she born; if you don't know say so? A I could not say.

Q Where did she live most of her life? A In Arkansas.

Q Did she die in Arkansas? A Yes, sir.

Q Have any of your ancestors owned 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 Mississippi, take land there and become citizens of the States?

A Not that I know of.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians? A Not that I know of.

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

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, and who stayed there refusing to go to the Choctaw Nation, Indian Territory, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent within six months from the ratification of the treaty and tell him 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 neglected to put upon his list known as Ward's register, his neglect to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both; the government took them both 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, Congress appointed a Commission; in 1842, by act approved August 23rd of that year it also appointed a Commission for the same purpose. These Commissions went to Mississippi at different times and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A No, sir; I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir; not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was to be given to those Indians who proved their right under article fourteen and also proved that they had had land taken from them by the government and sold. Give me the names of some of your relatives who have been here before the Commission to be identified as Mississippi Choctaws? A My sister.

Q^x What relation is Lurany Dodson to you? A Sister.

Q She has made application? A Yes, sir.

Q She is elder than you I guess? A Yes, sir.

Q You want her case and the cases of all other relatives of yours all consolidated with your case? A Yes, sir.

Q Have you any other evidence you want to introduce now? A Not that I know of; No sir.

Q Is there anything more you want to say about the case? A No, sir.

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

Q Do you want any time in which to furnish other evidence? A No, sir; I don't think it is necessary.

Q Well you have to file, if you desire to, the proof of the marriage of yourself and your wife; you want a little time for that that don't you? A Yes, sir.

Thirty days time is allowed this applicant to furnish any proper proof that he may desire in support of this application also proof of the marriage with his wife.

This applicant has the appearance and physical characteristics of being descended from white parentage; Light florid complexion; mustache very light and brown hair; blue eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Reference is here made to the application of Lurany Dodson, at al., N.C.R. 3564.

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 May 15, 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 May 1902.

G. Rosenwinkel

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

Charles H. Sawyer

Notary Public.

In the Matter of the Application of James M. Downum for
Choctaw Citizenship.

J. M. Downum, being first duly sworn, on his oath testified
as follows:

- Q What is your name? A James M. Downum.
- Q How old are you? A I am forty.
- Q Where do you reside? A In Benton County , Arkansas.
- Q Where were you born? A I was born in Benton County, Arkansas.
- Q You have always lived there? A Yes sir, most all of my life.
- Q Have you ever lived in the Choctaw Nation? A No sir.
- Q Have you ever been on the rolls of the Choctaw Nation? A No sir.
- Q Were your father and mother ever enrolled? A Not that I know of.
- Q Do you claim citizenship through your father or mother? A Mother.
- Q Do you know how much Choctaw blood she had? A I don't know, only
just by hearsay from others. One fourth, I think.
- Q How much blood do you claim? A That would make me one sixteenth.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Miley Downum.
- Q How many children have you? A Four. Lula, the oldest, eleven years
old; Gertie five years old, Ellen eight years old; Narva, three
years old.
- Q What was your father's name? A Lee Downum.
- Q What was your mother's name? A Lucinda Benson.
- Q Your father and mother are both dead? A Yes sir.
- Q Where did they die? A In Benton County, Arkansas.
- Q Do you know where they moved from there? A They moved from Miss-
issippi there.
- Q Have you ever been admitted to citizenship by any of the authori-
ties of the Choctaw Nation, or by the United States Court?

A No sir, not that I know of.

Q Did you ever apply to the Dawes Commission for citizenship before?

A No sir.

Q Do you know positively that your mother had any Choctaw blood in her? A No sir, only what others have told me.

Commissioner Needles: Your application will be rejected and these papers will be filed and go up to the Secretary of the Interior.

Muskogee, Indian Territory, February 1, 1901.

K. C. Watson,

Springdale, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 22nd
ultimo in which you state that you appeared in person before Commis-
sioner Needles at Muskogee, Indian Territory, with your sister and
brother and were enrolled on or about the 15th of February last. That
Jin, Alex and Will Downum, your sister and yourself appeared in
person. It seems that this letter was in reply to the letter of
the Commission informing you of our inability to identify you as
having made application or having been listed as a citizen of the
Choctaw Nation.

In your original letter of January 5th addressed to the
Commission, you make inquiry as to whether you are too late to have
your right in the Choctaw Nation, claiming that you enrolled on
February 15th, 1900 but on account of sickness that you have never
moved into the Choctaw country and settled on your claim. That the
rest of your people have settled on their claims within the proper
time.

The Commission after much trouble is of the opinion that
it has located the people concerning whom you inquire as applicants
who appeared before the Commission at Muskogee, Indian Territory in
the latter part of February, 1900. On February 24th, James H.
Downum 48 years of age, whose residence was given as Springdale,

N C D 2

Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife, Wiley and his children Ella, Garbie, Ella and Nerva Downum as citizens of the Choctaw Nation.

After hearing his testimony at that time, Commissioner Needles rendered a decision refusing the application of these parties for enrollment as citizens of the Choctaw nation.

It also appears that on March 8th, 1900, Eissie Brown, 32 years of age, appeared before the Commission at its office in Muskogee, Indian Territory and made application for the enrollment of herself and her husband John Brown and her children, Eddie, James, Jessie, Ethel, Vady and Jessie Brown as citizens of the Choctaw Nation. Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission nor by the United States Court, nor any of the authorities of the Choctaw Nation this Commission has no jurisdiction in your case, and your application will be refused."

Our records further show that on March 8th, 1900, at Muskogee, Indian Territory, Lillian DeLong, 33 years of age, of Bryansville, Arkansas, appeared before the Commission and made application for the enrollment of herself and her children James Andrew Jackson and Henry Arthur Lee as citizens of the Choctaw Nation, and Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission or the United States Court, or any of the tribal authorities, this Commission has no jurisdiction in your case, and your application will be refused."

M U S A

Our records further show that on February 24th, 1900, William Alexander Downum, 25 years of age, of Springdale, Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife Sara Downum and his children John, Eva and Nina Downum as citizens of the Choctaw Nation. Commissioner Needles on the part of the Commission after hearing the testimony in this case refused the application for the enrollment of the interested parties.

This is all the record the Commission has of any parties by those names and has no record of any person by the name of G. C. Watson. The applicants above referred to have been refused and rejected by the Commission and we can furnish you with no more definite information in regard to your rights.

If you desire to make an application for enrollment it will be necessary for you to appear in person before the Commission at its office in Muskogee.

Yours truly,

Acting Chairman

7-R-412

7-R-413

7-R-417

7-R-422

Muskogee, Indian Territory, October 17, 1901.

Honorable John D. Benedict,
Superintendent of Schools in
Indian Territory,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant requesting to be advised whether certain children named therein have been listed for enrollment by this Commission as citizens by blood of the Choctaw Nation, and if so whether by order of the United States Court or otherwise.

You are informed that the records of this office show that Olivia Fryer, 36 years of age, of Stuart, Indian Territory and her minor children, Kyle Douglass, 17 years of age, Henry Jordan 14 years of age, Rhoda Jordan, 18 years of age, Zera Jordan, 10 years of age, George Fryer, 9 years of age, James Fryer 6 years of age and Mary N. Fryer, 3 years of age, were listed for enrollment as citizens by blood of the Choctaw Nation, June 18, 1899 having been admitted to citizenship by a judgment of the United States Court for the Central District of the Indian Territory at South McAlester, Indian Territory, January 1, 1898.

It does not appear from the records that any persons of Habel Jordan or Edgar Fryer have been listed for enrollment

J. D. B. #2.

citizens of the Choctaw Nation. The records show that the father of the Pryor children, listed for enrollment, is Samuel V. Pryor.

The records further show that Susan Newton, 21 years of age, Joseph Newton, 19 years of age, Lucinda Newton, 17 years of age, Mada Newton, 11 years of age, Ernest Newton, 9 years of age and Bessie Newton, 6 years of age, children of Robert and Katie Newton, of Stuart, Indian Territory were listed for enrollment as citizens by blood of the Choctaw Nation, September 14, 1899, having been identified from the 1898 Choctaw roll. None of the members of this family were admitted to citizenship by a judgment of the United States Court. While the given names of the Newton children are not precisely the same as stated in your letter, it is believed by this office that they are the children concerning whom your inquiry is made. If not, a further communication from you relative to the matter will receive prompt attention.

The records further show that Jas. M. Downum, 45 years of age, whose post office address was given as Springdale, Arkansas, appeared before the Commission, February 24, 1900, and made application for the enrollment of himself, his wife, Wiley, and his minor children, Lula Downum, 11 years of age, Gertie Downum, 5 years of age, Ellen Downum, 3 years of age, and Harva Downum, 3 years of age. The records of this office show that the application of these parties for enrollment as citizens of the Choctaw Nation

J. B. D. 23.

was refused.

Yours truly,

Acting Chairman.

7-2705.
7-4787.
2. B. 41.

Miss. Choctaw 8570.

Muskeges, Indian Territory, May 24, 1908.

James S. Downum,

Chickie Chockie, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, inclosing marriage license and certificate between J. S. Downum and Niley Ramsey, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and you ask to have the same returned to you.

In reply to your letter you are advised that the marriage certificate has been filed with the record in your case and cannot be returned to you at present, as it must receive the consideration of the Commission in the disposition of your application.

Yours truly,

Acting Chairman.

Miss. Choctaw 2070

Muskegee, Indian Territory, May 26, 1902.

J. S. Downum,

Chickie Choctaw, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, again calling attention to the correct spelling of your wife's name and asking that it appear in the record as it is given in the marriage certificate forwarded by you in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that the proper spelling of your wife's name has been made a matter of record.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5570

Muskogee, Indian Territory, January 27, 1908.

James Sidney Downum,

Chickie Chookie, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Eta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6058
Ethel Johnston	M.C.R. 6058
Kurany Bodson, et al.	M.C.R. 5564
Wancy Pearl Cooper, et al.	M.C.R. 5598
Wiley L. Downum, et al.	M.C.R. 5589
James Sidney Downum, et al.	M.C.R. 5670
William A. Downum, et al.	M.C.R. 5585
Elizabeth Killobrew, et al.	M.C.R. 5585

These applications were made under the provision of the act of Congress of June 25, 1899 (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."

James Sidney Downum,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Mary Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Gurtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled 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 E. Inby.

Acting Chairman.

Registered.

COPY

M. O. R. 5570

Muskogee, Indian Territory, May 19, 1903.

James S. Downum,

Chickie Choekie, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th 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 Lizzie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

James Dixby
Chairman.

M C R 5570

Muskogee, Indian Territory, July 1, 1903.

James S. Downum,
Limestone Gap, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, 1903, requesting that your marriage certificate be returned you.

In reply you are informed that the record in your case is now in the hands of the Secretary of the Interior and you should correspond with him in regard to the return of said certificate.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 15 1902

Name James S. Hornum

Age 44 Blood 1/16

Post-Office, Chicki-chockie. I.T.

Father: Lee Hornum, d

Mother: Lucinda, d

Claims through mother:

wife: Millie — l.w.

No claim for wife —

Children:

- Lula
- Lula, Hornum, 13
- Ellen " 9
- Gurtie " 8
- Korval " 6

Claims for self and children

In R. 417

Stenographer G. Rosenfield



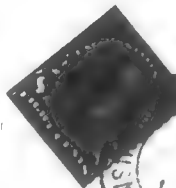
MAR 17 1902
MAR 24 1902

MAR 31 1902

APR -7 1902

UNCLAIMED.

REGISTERED No. 174



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



3550

James M. Downum,

Bentonville, Arkansas.

Choctaw MCR 5571

James A. J. Williams

See MCR 18.4

MCR 5571

Department of the Interior.
Commission on to the Five Civilized Tribes.
Muskogee, I.T. May 15, 1902.

3871

In the matter of the application for identification as Mississippi Choctaws of James A. J. Williams for himself and his four minor children, Walter, Dovie, Calvin and Mertie Williams.

Applicants not represented by attorney.

James A. J. Williams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James A. J. Williams.
Q What is your age? A I will be fifty-five in June.
Q Fifty-four? A No, answer.
Q What is your post office address? A Marvin, Oklahoma.
Q How long have you lived in Oklahoma? A It will be ten years in June.
Q Where did you live before that? A In the Chickasaw Nation I lived four years.
Q Where before that? A Texas.
Q Where were you born? A Born and raised in Mississippi.
Q How long did you live in Mississippi before you left that state? A I lived there until I was twenty-three years old.
Q Were you married before you left Mississippi? A Yes, sir.
Q Is your father living? A No, sir; he died in the Civil War.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A John Williams.
Q What is your mother's name? A Jeannette Williams.
Q Through which parent do you claim Choctaw blood? A I claim it on my father's side.
Q How much Choctaw blood do you claim? A My grandmother was a half breed.
Q And your father would be one-half of that? A Yes that would be one-quarter.
Q And you would be one-half of one-quarter which is one-eighth? A I could not count it.
Q You are one-half of one quarter? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; not that I knew of.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q Can you tell when and where they were married? A In Mississippi.
Q Where in Mississippi? A I suppose they were married in Kollar County.
Q Do you know? A No, sir; not for certain.
Q You know the date? A No, sir; I do not.

The proof of the marriage of your father and mother will be received by the Commission if presented within thirty days from this date.

- Q Have you a wife living? A Yes, sir.
Q Is she a white woman or a Choctaw? A White woman.
Q What is her name? A Henrietta.
Q You don't make any claim for her then do you? A No, sir.
Q Now I want the names of your children beginning with the eldest that is under twenty-one years of age and unmarried? A Walter.
Q Walter Williams? A Yes, sir.
Q Age? A He is fifteen.
Q Next? A Dovie.
Q That is a girl? A Yes, sir.
Q How old is she? A She is twelve.
Q Next? A Calvin.
Q How old is Calvin? A Ten.
Q Next? A Mertie? A
Q Is that a girl? A Yes, sir.
Q Do you know how to spell that name? A No, sir.
Q How old is Mertie? A Seven years old.
Q What is the name of your married daughter? A Millie Boggus.
Q Where does she live? A Up in the Pott Country.
Q In Oklahoma? A Yes, sir.
Q What is her post office address? A Marvin.
Q She has been before the Commission? A Not unless she has been this week. She came with her sister, Tom Henderson's wife.
Q What other children have you? A I have sons and daughters that are married.
Q Have you evidence of the marriage of yourself and your wife with you? A No, sir; I will have to send back for it.
Q You think you can get it? A I think so.
Q You will try to get it and send it to the Commission? A Yes, sir.
Q You don't remember the date of that marriage? A In September sixty-eight.
Q You know where it was? A In Kellar County, Mississippi.
Q By a minister and under a license? A By a minister.
Q Under a license? A Yes, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, I never did.
Q Never made application to the Dawes Commission for yourself and children to be admitted as citizens of the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you have ever made to either the Dawes Commission or the Choctaw tribal authorities for yourself and children to be enrolled as citizens of the Choctaw Nation? A The first one.
Q You never have been admitted to citizenship in the Choctaw Nation, you or your children, by either the Choctaw tribal authorities, the Commission to Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q You want to be identified now with your children as Mississippi Choctaws? A Yes, sir.
Q You claim the right to be identified under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A No, I don't know that I do thoroughly, --you see I was not old enough.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of the year 1830. The object of that treaty was the removal of all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article reads as follows:

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

- Q Do you know whether any of your ancestors complied with the provisions of that article of that treaty? A Any of my aunts sisters.
- Q Your ancestors; your kin-folks from whom you are descended; grandfather or grandmother; great-grandfather or great grandmother; any of these people; did they ever comply with that article of that treaty? A I would not swear that they did.
- Q You don't know that they did? A No, sir; I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I claim that my grandmother was a daughter of Penny Fisher; it was a name that was kept up in the Fisher family.
- Q How much Choctaw blood did she have? A I don't know.
- Q How did that name come to be kept up among the Fisher family? A I don't know there are a heap of people that keep up names.
- Q Did she have any Choctaw blood? A They say she was a full blood and my grandmother was her daughter.
- Q Then this is your great grandmother? A Yes, sir.
- Q Did she live in Mississippi in 1830? A My great-grandmother? Yes? A I don't know.
- Q Did she live in Alabama in 1830? A I could not tell you that.
- Q You don't know whether she lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A I don't know.
- Q Did ever anybody tell you that Penny Fisher your great grandmother lived at one time in Mississippi? A I heard my grandmother say so dozens and dozens of times.
- Q What did she say about her having lived in Mississippi? A She said she lived there.
- Q Now your grandmother's name was what? A Polly.
- Q When did she marry? A She married Neal Williams.
- Q How did Polly who married Neal Williams live in the state of Mississippi in 1830? A I am pretty certain she lived there in 1830.
- Q Did you ever hear it in the family that she lived there in 1830?

- A I am not sure that they did.
- Q Then you cannot give the name of any Choctaw ancestor who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A No.
- Q How can you recollect, from any one you have heard, from your relatives, as a matter of family history and tradition, can you recollect the name of any Choctaw ancestors who lived back there in the old Choctaw Nation in 1830? A No, I cannot.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not that I know of they did not.
- Q Did any of them 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? 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 Mississippi, take land there and become citizens of the United States? A I could not tell you.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I could not tell you that.

The Choctaw Indians who stayed back there in the old Choctaw Nation, after the treaty was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty, 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 of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. Now a great many Choctaw Indians did that whose names Colonel Ward failed to put upon his list known as Ward's register. The result of 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. This caused so many complaints among the Choctaw Indians that in 1837 Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A I could not tell you.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had owned in Mississippi and which the government had taken from them and sold? A I never did hear so.
- Q This scrip was issued under an act of Congress approved August 23rd 1842. Who is John Sessums? A He is a nephew of Russ Sessums.
- Q What is Russ Sessums' name? A Russ is all I ever knew him by.
- Q John Sessums now is what relation to you? A Yes; both John Sessums are related to me.
- Q What kin are they to you? A One of them is a second cousin to me and the other one is a third cousin.
- Q How can you give me the name of the father of the second cousin? A Reuben.

Q Now can you give me the name of the father of the third cousin?
A William Sessums.

The case of John Sessums who has made application to be identified as a Mississippi Choctaw before the Commission number B-184 is here referred to under the head of the consolidated case of John Sessums, et al.

- Q Now give me the names of any of your children who have made application recently before the Commission? A None but that daughter.
- Q Can you give me her name? A Ida Henderson.
- Q She made application within the past week to be identified as a Mississippi Choctaw or within a short time? A Last Thursday or Friday.
- Q Have you any other proof you want to introduce now in support of this application, any papers? A You have not got all my married children.
- Q Would you like time in which to present some more proof? A Yes, sir.

Thirty days time is allowed this applicant to introduce further testimony in this case if he wishes to do so.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say about this case? A No, sir; I think that is about all.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has dark hair, some what gray and gray whiskers and mustache, the applicant says his whiskers were formerly black; he has brown eyes. 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. Rosenwald 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 May 15, 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 May 1902.

G. Rosenwald

Subscribed and sworn to before me this 20th day of May 1902.

Charles H. Sawyer

Notary Public.

To the Hon. Commission of the five Civilized Tribes.

This man James Williams claiming a right is a second cousin to me W.R. Sessums. And a third cousin to J.F. Sessums. And is a son of John Williams and John Williams is the son of Polly Williams and Polly Williams was the daughter of Penny Fisher and Penny Fisher was a Choctaw woman who married a white man by the name of Jacob Sessums.

Indian Territory }
Southern District. } I W.R. Sessums and J.F. Sessums do

do swear that the above statements are true to the best of our knowledge

W.R. Sessums
J.F. Sessums

Indian Territory }
Southern District. } Subscribed and sworn to before

me *W. Hartley* a Notary Public for the southern District
Ind. Ter. this the 21 of ~~May~~ *June* 1902

W. Hartley Notary Public
My commission expires 2-7-1903.

5571
4326

COPY.

M.C.R. 5571

Muskogee, Indian Territory June 6, 1902.

James A. J. Williams,
Marvin, Oklahoma.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Sessums, et al., embracing the following applications for identification as Mississippi Choctaws:

John Sessums, et al.,	M.C.R.	184
Eva Goodwin, et al.,	M.C.R.	132
William Sessums et al.,	M.C.R.	119
Wm. J. Sessums, et al.,	M.C.R.	183
Thomas R. Sessums, et al.,	M.C.R.	186
Reuben P. Sessums et al.,	M.C.R.	475
John Washington Sessums et al.	M.C.R.	441
Mandy Jane Pettigrew et al.	M.C.R.	474
Penny A. Dry, et al.,	M.C.R.	475
James A. J. Williams et al.,	M.C.R.	5571
Ida Henderson, et al.,	M.C.R.	5529

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

J. A. J. W. #2

Sessums, Maggie L. Sessums, Lilly May Sessums, John O. Maderis, Thomas R. Maderis, Clarence Maderis, Mary L. Maderis, Lilly B. Maderis, Joseph Virgil Sessums, Sarah Ellis Sessums, Eva Goodwin, Tolbert Newton Goodwin, Clara May Goodwin, William Sessums, Laura Estella Sessums, Julia Kvaline Sessums, Viola May Sessums, William Wesley Sessums, Clifton Sessums, Joy Sessums, Bert Sessums, Elmore Sessums, Edna Sessums, Wm. J. Sessums, Wm. L. Sessums, Lula May Sessums, Beulah V. Sessums, Thomas R. Sessums, Sarah L. Sessums, Earnest D. Sessums, Reuben P. Sessums, Burnice Sessums, Allen Sessums, Lettie Sessums, Floyd Sessums, Martin Van Sessums, John Washington Sessums, Jacob Sessums, Pearle Sessums, William Edward Sessums, John Henry Sessums, Roy Lee Sessums, Wandy Jane Pettigrew, Claudie McQuirk, Lina Pettigrew, Ellen Pettigrew, Hattie Pettigrew, Ruby Pettigrew, Penny A. Dry, Walter C. Dry, Ada M. Dry, Ollie A. Dry, Maudie M. Dry, Eddie E. Dry, James A. Williams, Walter Williams, Dovie Williams, Calvin Williams, Mertie Williams, Ida Henderson, Emma Paralee Henderson, Katie Jennette Henderson, James Crawford Henderson, and Leroy Henderson 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."

"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 Reuben P. Sessums for the identification of his wife Blanche Sessums, 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)

Tams Bixby.

Registered.

Acting Chairman

COPY.

H.C.R. 2071

Muskogee, Indian Territory, November 15, 1902.

James A. J. Williams,

Morvin, Oklahoma.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Sassum, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Respectfully,

(SIGNED).

Tanis Dixby.

Acting Chairman.

M C R 5571

Muskogee, Indian Territory, December 3, 1903.

James A. J. Williams,
Morvin, Oklahoma.

Dear Sir:

Receipt is heraby acknowledged of your letter of the 23rd ultimo, asking the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that on November 5, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of John Sessums, et al., of which your application is a part, and of which departmental action you were duly notified on November 15, 1902.

The Commission now considers this case closed.

Respectfully,

Chairman.

mm

REFER IN REPLY TO THE FOLLOWING:

MCR 5571

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

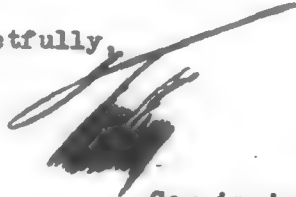
Muskogee, Indian Territory, November 14, 1906.

James A. J. Williams,
Marvin, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed in this office June 22, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-hearing in the consolidated Mississippi Choctaw case of John Sessums, et al.

Respectfully,



Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 15 1902

Name James A. J. Williams.

Age, 54 - Blood 1/8 -

Post-Office, ^{MORVIN.} ~~Morvin~~, Okla.,

Father: John Williams, d

Mother: Jannette " l

Claims through father
wife Henrietta " l. w.
No claim for wife

Children:

Walter Williams,	15,
Dovie " (F.)	12,
Calvin " (M.)	10
Mertie " (F.)	7

Claims for each
& 4 child - - -

Stenographer G. Rosenmire.

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

FILED

JUN 28 1902

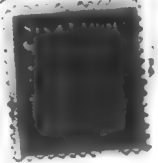


ACTING CHAIRMAN



Ms. B. 55. 71

Reg $\frac{47}{47}$

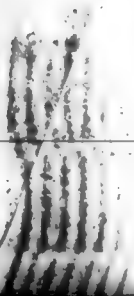


Commissioner of the Five Civilized Tribes
Muskogee
Ind. Ter

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

RECEIVED

NOV 20 1906



Choctaw MCR 5572

Lee Drury

MCR 5572

M C R 5572

Department of the Interior,

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 16, 1902.

In the matter of the application of Drury Lee for the identification of himself and his five minor children, Mary Jane, Earnest C., Frances A., Pearl and Eunice E., as Mississippi Choctaws.

Said Drury Lee, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Drury Lee.
Q How old are you? A Forty-two years old.
Q What's your postoffice address? A Ravia, Indian Territory.
Q How long have you lived there? A I've been living there about thirty-five or forty days.
Q How long have you lived in Indian Territory? A About two months.
Q Q Where did you come from? A Texas.
Q Where were you born? A Born in Texas, Denton County.
Q Have you lived in Texas most of your life? A Yes sir, most of my life.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Noah Lee.
Q What was your mother's name? A Nancy.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q You don't claim Indian through your father? A No sir.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood do you claim through your mother? A One eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw Tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Have you a lawyer? A No sir.
Q How many children have you under age and unmarried? A Five.
Q Is your wife a white woman? A Yes sir, a white woman.
Q What's her name? A Emily a Lee.
Q You don't make any claim for her, do you, as a Mississippi Choctaw? A No sir.
Q Give me the name of your eldest child, unmarried? A Mary Jane Lee
Q How old is she? A Eleven years old, the 12th day of last January.
Q What's the name of the next child? A Earnest C.
Q How old is he? A He's ten years old the 10th day of March--he was born in '93.
Q Next one? A Frances A.
Q How old? A Seven years old.
Q Next one? A Pearl.
Q How old is she? A She's five years old.
Q Next one? A Eunice E.
Q How old is she? A She's a year old--she was born April 5, 1901.
Q You claim for yourself and these children, do you? A Yes sir.

- Q Is Emily A. Lee the mother of these five children? A Yes sir.
Q Are your wife and these children all living with you at your home? A Yes sir.
Q Were you ever married or was she ever married previous to your marriage to each other? A No sir.
Q Have you the proof of the legal marriage of yourself and wife with you now? A No sir, I haven't with me.
Q Can you produce it later? A Yes sir, I think I can.

You will be allowed thirty days time in which not only to produce evidence of the marriage of yourself and wife but also any other evidence or testimony you may wish to present to 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 Indian Territory? A Not that I know of.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by the Choctaw Tribal authorities in Indian Territory? A No sir.
Q Have you ever made application to them? A No sir.
Q Have you ever made application for citizenship for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made of any description for citizenship for yourself and children? A Yes sir.
Q You have never been admitted with your children, have you, as citizens of the Choctaw Nation by any authority? A No sir.
Q Do you now want to identify yourself and your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir I think I do.
Q Do you understand that article? A No sir, I don't understand it thoroughly.

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 the year 1830, and was made for the special purpose of removing, as far as practicable, all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. After the treaty was signed, however, it became known that a large number of these Indians, estimated between six and seven thousand, altogether, would refuse to go ~~to~~ to the Choctaw Nation Indian Territory and in order to protect the interests of these people who elected to stay back there, article 14 was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent

Drury Lee, et al--3

within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 a 14th article now? A Yes sir, I think I do.
- Q What's the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Wells.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply in any way with article 14 of the treaty of 1830? A No sir, not that I know of.
- Q What relation was John Wells to you? A He was my great-grandfather.
- Q How old would John Wells be if he were living now? A Well, sir--I don't know.
- Q Do you know where he was born? A In Mississippi I think, I don't know positive.
- Q Do you know when he was born? A No sir.
- Q Where did he die? A To the best of my knowledge, he died in Illinois.
- Q You have no way to estimate how old he would be if living now? A No sir, I haven't now.
- Q Your father's name was Noah Lee? A Yes sir.
- Q A white man? A Yes sir.
- Q Where was your mother born? A I am not positive but what she was born in Mississippi also.
- Q Did she always live in Mississippi? A No sir, they moved from Mississippi to Kentucky and from there to Illinois and from there to Texas.
- Q And died in Texas? A Yes sir.
- Q How old was she when she died? A I think she was fifty-nine years old.
- Q When did she die? A She died--its been about fourteen years ago--that would make her about 73.
- Q Where was she born--in Mississippi? A I think she was.
- Q Are you quite sure that she was, or not? A Well, I couldn't say positive but I've been taught that they came originally from Mississippi.
- Q Have you been taught that she was born in Mississippi? A Yes sir.
- Q What was the name of her father? A Richard Jones.
- Q What was the name of her mother? A Free love Jones.

- Q So your mother's maiden name was Nancy Jones? A Yes sir.
- Q And you think she was born 73 years ago in Mississippi? A Yes sir.
- Q Through which parent did she claim? A Through her mother.
- Q What was the name of Freelove Jones before she was married? A Freelove Wells.
- Q According to your testimony Freelove Jones, whose maiden name was Freelove Wells, was living in Mississippi in 1830 or thereabouts, I think you have testified that you believe her daughter (your mother) was born in Mississippi 73 years ago, is that right? A Yes sir, I think so.
- Q What was the name of the father of Freelove Wells? A John Wells, that's what I've been taught.
- Q What was the name of the mother of Freelove Wells? A I couldn't tell you that.
- Q Did John Wells have the Choctaw blood? A Yes sir.
- Q And he was your great-grandfather? A Yes sir.
- Q Now, it would appear from your testimony that not John Wells but Freelove Jones, your grandmother, is the Choctaw ancestor who lived in the old Choctaw Nation in Mississippi in 1830 and who had one child at least, your mother, Nancy, living at that time? A Yes sir.
- Q That's the way you understand it? A Yes sir.
- Q Your brother Richard Lehas made application to be identified as a Mississippi Choctaw; he appeared before the Commission at Muskogee, Indian Territory, September 20th, 1900; now, a middle initial was given two ways, "Richard J. Lee" and "Richard D. Lee", which is his proper name? A Richard J.
- Q He lives at Durwood, Indian Territory? A Yes sir.
- Q Now, your brother Richard J. Lee, when he made application to be identified with his children as Mississippi Choctaws, September 20, 1900, stated that he believed that John Wells was his Mississippi Choctaw ancestor, from whom he claimed and through whom he claims his Choctaw blood--now, John Wells was your great grandfather and his also? A Yes sir.
- Q But you don't think that he was the ancestor, do you, who lived in Mississippi in 1830 and who was the head of a family then? A I don't thoroughly know whether Freelove Jones lived in Mississippi in 1830, or not.
- Q At the time when that treaty was signed? A I don't know whether she did or not.
- Q Whether she did or not, Freelove Jones whose maiden name was Wells was your grandmother? A Yes sir.
- Q And her father, as you have stated, was John Wells? A Yes sir.
- Q Now, do you know whether your great-grandfather, John Wells, who was the father of Freelove Jones, was himself living in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know.
- Q What did you ever hear about it? A I heard that they originated in Mississippi and went from Mississippi to Kentucky and from Kentucky to Illinois.
- Q Did you ever hear that John Wells was born in Mississippi in the old Choctaw Nation? A No sir.

It is absolutely necessary that any claimant who comes before the Commission to be identified as a Mississippi

Choctaw to show that they're descended from a Mississippi Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama and that that ancestor not only lived in Mississippi and Alabama in the old Choctaw Nation at that time but had a family living there at that time also; in other words, was the head of a family and that that ancestor complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

- Q Now, do you know if John Wells, your great grandfather, filled those requirements of article 14 of the treaty of 1830? A No sir, I don't know.
- Q Do you know whether his daughter, Freelove Jones, did? A No sir.
- Q Do you think that you could introduce proof within thirty days to substantiate that point, that they lived in Mississippi in 1830 and he had a family there then and complied with article 14 of the treaty? A If I can prove it at all I can.

You will be allowed thirty days time in which to submit further evidence.

- Q How much Choctaw blood did your great grandfather, John Wells, have? A I've been taught he was a full blood.
- Q How old would he be if he were living now? A I couldn't tell you that, sir.
- Q What was his wife's name? A I couldn't tell you that.
- Q Was she a white woman? A I couldn't tell you that either.
- Q How many children did he have? A I don't know.
- Q Give me the name of any one that you do know? A Freelove Wells.
- Q How old would she be if she were living now? A I couldn't tell you that--I don't know what year she was born in.
- Q She's now dead? A Yes sir.
- Q Was she born in Mississippi? A I've been taught she was.
- Q Whom did Freelove Wells marry? A Richard Jones.
- Q Was he a white man? A Yes sir, he was a Scotch Irishman.
- Q Do you know of any other children of John Wells except Freelove Wells? A No sir, I don't know of any--I've heard their names called but I've never seen them.
- Q What names have you heard? A Jim Wells was one.
- Q You heard that Freelove Wells had a brother named Jim Wells? A Yes sir.
- Q Is he living or dead? A I don't know.
- Q Was he married or single? A I don't know that either.
- Q Do you know whether he had a wife or children? A No sir.
- Q Have you heard of any other brother or sister of Freelove Wells? A No sir.
- Q That's all you know? A Yes sir.
- Q And you don't know very well about Jim Wells? A I've heard that he was her brother.
- Q Do you know where he lived? A He lived at the time I heard of him in Illinois.
- Q Can you give me the names of the children of Freelove Wells, who married Richard Jones? A Sarah, or Mallie Jones, whichever you might call it; another one was named John Jones, that's all I can

Drury Lee, et al--6

remember.

Q You can't think of any other children of Freeleva Jones? A I can think of others but I can't think of their names.

Q How many others were there? A I don't know, but there were others; I don't know their names.

Q Can you recall or do you know the name of the husband of Sarah or Sallie Jones? A Yes sir, his name was Drury Lee, a half uncle of mine.

Q Same name as yours? A Yes sir,

Q Has he been before the Commission, do you know? A No sir.

Q Is he living or dead? A I think he's dead.

Q Was he a white man? A Yes sir.

Q Sallie Jones who married Drury Lee had the Choctaw blood? A Yes sir.

Q Sallie Jones is now dead, is she? A I think so.

Q Can you recall any of their children? A One of them was named Richard Lee--that's all I know.

Q Is Richard Lee the only child of Sarah Lee and Drury Lee? A I don't know--I never seen any of them.

Q Do you know anything about the children of John Jones? A Yes sir

Q Whom did John Jones marry? A He married Matilda Lee.

Q Was she any relation to these other Lee's that you have mentioned?

A Yes sir.

Q Then John Jones who married Matilda Lee was related, weren't they?

A No sir.

Q Is Matilda Lee living now? A No sir.

Q Was she a white woman? A Yes sir.

Q John Jones had the Choctaw blood? A Yes sir.

Q Can you recall the names of the children of John Jones and Matilda Lee, some of them? A One of them was named Lucy Jones.

Q Whom did she marry? A She married Robert A. Kidwell, I think,

Q Was he a white man? A Yes sir,

Q Is Lucy Kidwell living now? A She was a short while back.

Q Was she ever before the Commission or any of her family? A Yes sir.

Q They have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Do you remember any other children of Matilda and John Jones?

A Yes sir, one of them is named--I just know his first name--Samuel Wat Jones--he's the son of John Jones.

Q Is he living? A He was a short while ago.

Q Has he ever been before the Commission to be identified as a Mississippi Choctaw? A I think he has--I don't know positive.

Q Whom did he marry? A I don't know.

Q Do you think of any other children of John Jones? A Yes sir, William and Levi Jones.

Q Who did William Jones marry? A He's been married twice and I can't tell you his wives names.

Q Is he living now? A He was a short while ago.

Q Who did Levi Jones marry? A He's been married twice--his first wife was a widow McHally.

Q What was her full name? A His first wife's name was Hulda McHally--she was a widow.

Q What was the name of his second wife? A I don't know.

Q Is Levi Jones living now? A I don't know, he was a short while back.

- Q Do you remember whether he had any children by his first or second wife? A Yes sir, he has one living, I think, by the first wife.
- Q Any by his second? A I think so but I don't know how many-- the oldest one's name of his first wife was Albert Jones.
- Q Is Albert Jones married? A I don't know, sir.
- Q And you don't know whether he has any children? A No sir.
- Q And you don't know the names of Levi Jones' children by his second wife? A No sir.
- Q Are there any other children of John Jones who married Matilda Lee? A Yes sir, I suppose they're living, the other children.
- Q Give me their names? A Lizzie Jones is one.
- Q Is she married? A Yes sir, she's married but I don't know her husband's name.
- Q What's the name of the other child? A Nora.
- Q Is she married? A Yes sir--I don't know her husband's name; then they had another son I haven't given you the name of.
- Q What's the name of the other son of John Jones and Matilda? A George is his name.
- Q Do you know anything about his wife or family? A No sir.
- Q You have given me the names of seven of the children of John Jones who married Matilda Lee, can you think of any more? A Yes sir, Mary.
- Q Do you know anything about her husband? A Yes sir, she married a man by the name of D. B. Chamberlain.
- Q Have they any children? A Yes sir.
- Q Going back to Richard Lee, the son of Ballie Jones who married Drury Lee, give me the names of Richard Lee's children? A I couldn't tell you--I don't know.
- Q He had children, did he? A I don't know that either.
- Q Who are you descended from? A Noah Lee is my father.
- Q Who was he the son of? A His father was named Stephen. Old Drury Lee is my father's half brother and he has a son named Richard, the same as I have a brother named Richard J.
- Q Sallie Jones married Drury Lee, a half uncle of yours? A Yes sir.
- Q Did Freelove Wells, who married Richard Jones, have a daughter named Nancy? A Yes sir, she was my mother.
- Q What was her maiden name? A Nancy Jones.
- Q Nancy Jones married whom? A Noah Lee.
- Q Was he a white man? A Yes sir.
- Q Is he living or dead? A He's dead.
- Q Is Nancy Lee living or dead? A She's dead.
- Q She had Chectaw blood? A Yes sir.
- Q How many children did they have? A They had six.
- Q How much Chectaw blood did Nancy Jones have? A Supposed to be one-quarter.
- Q What relation was Nancy Lee to you? A She was my mother.
- Q Give me the names of your brothers and sisters? A Stephen A. Lee; he was the oldest.
- Q Whom did he marry? A He married a widow woman by the name of Nancy Hunter.
- Q Was she a white woman? A Yes sir, as far as I know.
- Q Is Stephen A. Lee living or dead? A He's dead.
- Q Give me the name of the next brother or sister? A Angelina Lee, she married a man by the name of Morrison--that was her second husband--Dud Morrison.
- Q Was he a white man? A Yes sir.
- Q Is he dead? A Yes sir.

- Q What's the name of her second husband? A James D. Reynolds.
- Q White man? A Yes sir.
- Q Living or dead? A He's living.
- Q Is Angeline living? A Yes sir.
- Q What's the name of the next brother or sister of Stephen A. Lee? A Mary Jane Lee.
- Q Is she living? A No sir.
- Q Whom did she marry? A John Hunter.
- Q White man? A Yes sir.
- Q Living or dead? A Dead.
- Q The name of the next brother or sister of Stephen A. Lee? A Richard J. Lee.
- Q Living or dead? A Living.
- Q Whom did he marry? A He married a widow woman by the name of Maggie C. Martin.
- Q A white woman? A Yes sir.
- Q She had no Choctaw blood? A No sir.
- Q The name of the next brother or sister of Stephen A. Lee? A Drury Lee--myself.
- Q Whom did you marry? A I married Emily A. Keeton.
- Q A white woman? A yes sir.
- Q Have you any brothers or sisters? A Yes sir, I have one more sister.
- Q What's her name? A Nancy A. Lee.
- Q Is she married? A Yes sir, she married a man by the name of William D. Rippetoe.
- Q Is he living or dead? A Living.
- Q White man? A Yes sir.
- Q Is Nancy Rippetoe living? A Yes sir, was the last I heard of her
- Q Do you know anything about the children of Stephen A. Lee who married Nancy Hunter? A Yes sir.
- Q What are their names? A Dud Lee.
- Q Do you know who he married? A No sir.
- Q Do you know the name of any other? A James R. Lee was the next one.
- Q Do you know who he married, if any body? A I think he married a woman named Williams.
- Q Is that all you know about it? A Yes sir.
- Q Was she a white woman? A Yes sir.
- Q Did Stephen A. Lee have any other children? A Yes sir, he had a child by the name of Jesse W. Lee.
- Q A son? A Yes sir.
- Q Did he marry anyone? A Not that I know of.
- Q Any others? A Yes sir, the next is by his second wife.
- Q What was his second wife's name? A I can't think of it.
- Q What are the names of the children by the second wife whose name you don't remember? A Drury and Arthur Lee.
- Q Is that all the children of Stephen A. Lee? A No sir, he had one more but I think he's dead.
- Q Was the dead child a minor when he died? A Yes sir.
- Q Did Angeline Lee who married Dud Morrison have any children? A Yes sir, she had two girls, one of them was named Mollie--I don't really know her full name but her name was Mollie Morrison.
- Q Is she married? A Yes sir.

Drury Lee , et al--9

- Q Who did she marry? A She married William M. Usher.
Q Was he a white man? A Yes sir.
Q The next one? A Her name was Nora D. Morrison.
Q Who did she marry? A John L. Kirksey.
Q Is she living? A Yes sir, as far as I know.
Q Is her husband living? A Yes sir.
Q Is Mollie Morrison, who married Usher, living? A Yes sir.
Q Is William Usher living? A Yes sir.
Q Are there any other children of Dud Morrison and Angeline Lee? A No sir.
Q After Dud Morrison died, did she marry J.G. Reynolds? A Yes sir.
Q Has she any children by him? A Yes sir.
Q Give me their names? A The oldest one's name is Elbert Reynolds.
Q Is he living? A Yes sir.
Q White man? A He claims Choctaw blood.
Q What other children did Angeline Lee have by her second husband?
A Ellie M. Reynolds.
Q Is she married? A Yes sir.
Q Is Elbert married? A No sir.
Q Who did Ellie Reynolds marry? A Fred Morgan.
Q Is he a white man? A Yes sir.
Q Is he living? A Yes sir, I suppose so.
Q Any other children? A Yes sir, Beulah L. Reynolds.
Q Did she marry? A No sir, she's single.
Q Any other children? A Arthur Reynolds.
Q Did he marry? A No sir.
Q Are there any other children of Angeline Lee? A Yes sir, but I can't think of the next one's name.
Q Are there any other children? A Yes sir, there are four more.
Q Can you think of their names? A No sir, not now--there are four more young children.
Q Mary Jane Lee married John Hunter? A Yes sir.
Q Have they any children? A Yes sir, they have one child.
Q Is that all? A Yes sir, only one living.
Q What's his name? A John A. Hunter.
Q That's the only child living? A Yes sir.
Q Is he married? A He did marry but him and his wife separated.
Q Did they have any children? A Not that I know of.
Q Richard J. Lee married Maggie C. Martin? A Yes sir.
Q Have they any children? A Yes sir.
Q How many? A Five is all I can think of.
Q How many children have you? A I have five.
Q How many has Nancy, who married Rippetoe? A I don't know how many she has.
Q You and your brother have each of you five children? A Yes sir, but he has one by his second wife.
Q Give me the name of his (Richard J. Lee's) oldest child?
A Noah Lee.
Q Next one? A Milton R. Lee.
Q Next one? A Gertrude Lee.
Q Next? A Annie.
Q Next one? A Effie.
Q Is that all? A He's got one child by his second wife.
Q What's the name? A It's just a baby, I don't know the name.
Q Is Noah Lee married? A No sir.

- Q Is Milton married? A No sir.
- Q Is Gertrude married ? A Yes sir.
- Q Who did she marry? A S.M. Douglas.
- Q Gertrude's name is now Gertrude Douglas? A yes sir.
- Q Is Annie married? A No sir.
- Q Is Effie married? A No sir.
- Q You have how many children? A Five.
- Q What's the name of the oldest? A Mary Jones.
- Q You given them heretofore, haven't you? A Yes sir.
- Q Has Nancy Rippetoe any children? A Yes sir, but I don't know how many.
- Q Do you know their names? A I don't know all their names--one of them is named Mintie, and Claude.
- Q Is Mintie a girl? A Yes sir.
- Q Has she been before the Commission? A Yes sir.
- Q Any more? A One named Roy.
- Q Any more? A Yes, but I can't think of them.
- Q Do you know whether James R. Lee who married a Miss. Williams has any children? A I don't know that he has--I think I heard he had but I don't know.
- Q You don't know the name of the mother of Drury Lee and Arthur Lee? A Her given name is Ellen, but I don't know her widowed name. He married a widow. She married since my brother died but she goes still by the name of Ellen Lee.
- Q Has Mollie Morrison, who married William Usher, any children? A Yes sir.
- Q How many children have they? A I don't know really how many they have, I think four.
- Q Do you know their names? A No sir, I can't recall them right now.
- Q Can you recall any of them? A One boy is named Ervin Usher--that's Mollie Usher's son. I can't think of the other's names.
- Q Are there three more? A Yes sir.
- Q Has Nora Morrison, who married John Kirksey, any children? A Yes sir, I think she has two.
- Q Can you give me their names? A The oldest one is named Marvin; I don't know the other one's name; the other one is just a baby.
- Q Has Ellie M. Reynolds, who married Fred Morgan, any children? A Yes sir, she has a baby, I don't know the name.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did 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 they wanted to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of 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 the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors ~~own~~ any land or claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A I don't know.

Drury Lee, et al.,--11

The Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation in 1830 but who after the treaty was ratified refused to go to the Choctaw Nation Indian Territory with the other Indians, were required, if they wanted to take advantage of article 14 of that treaty, to go to the United States Indian Agent within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi in the old Choctaw Nation and take land there and become citizens of the States. A good many Choctaw Indians did this, whose names Col. Ward neglected to put on his list. His neglect to do this caused a good many Indians, who had land in the old Choctaw Nation upon which they had improvements, to lose both, for they were both taken from them by the Government; this caused so many complaints among the Choctaws that in 1837, by an act of Congress approved March 3 of that year, a Commission was appointed which went to Mississippi and heard claims under article 14 of the treaty of Dancing Rabbit Creek. In 1842, under an act of Congress approved August 23, 1842, another Commission was appointed by Congress for the same purpose; this Commission went to Mississippi and heard claims under article 14 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 No sir, not as I know of.

Q Have you yourself ever made any application before a Commission except this present one? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land either in Mississippi or in Alabama, Louisiana or Arkansas, to take the place of land which they had previously held in the old Choctaw Nation and which the Government had taken from them? A Not that I know of.

Q Is Richard J. Lee your brother? A Yes sir.

Q He has made application, has he not? A Yes sir.

The application of Richard J. Lee, M.C.R. 740, is here referred to for the purpose of consolidation.

Q James R. Lee is what relation to you? A He's my nephew.

Q The son of which brother? A Stephen A.

~~His application, M.C.R. 821, is here referred to and also the number 5567 of the application of William W. Lee et al.~~

Q You want to have the cases of all your other relatives who claim through the same common ancestor consolidated with yours, do you not? A Yes sir, I suppose so.

Druru Lee, et al.,--12

- Q Nancy Rippetoe is sometimes called Amy, is she? A Yes sir.
Q Who is Angelina Reynolds? A She's a sister of mine.
Q Whom did she marry? A She married a Morrison first and then a Reynolds last.
Q Nancy Lee is your mother? A Yes sir.
Q Is there anything more you want to say in support of your claim? A No sir.
Q Did your mother speak the Choctaw language? A No sir.
Q Did she have a Choctaw Indian name? A Not that I know of.
Q Describe her personal appearance? A She was tall, big bone woman--very dark complected--long black hair and black eyes and was recognized by the neighbors to resemble a Choctaw Indian.
Q They didn't know whether she was a Choctaw Indian, or not? A No sir.
Q They got their idea from her personal appearance? A Yes sir.

Thirty days time is allowed this applicant in which to introduce further evidence in support of his application.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, light, sandy mustache, florid complexion--might naturally be dark but he is dark from sun burn--he has brownish-gray eyes. He does not understand the Choctaw language and has no knowledge of any compliance of the part of his ancestors with article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, May 16th, 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 May, 1902,
at Muskogee, Indian Territory.



Charles H. Sawyer

Notary Public

Miss. Choctaw R5672
Miss. Choctaw R 746

Muskegee, Indian Territory, June 18, 1902.

R. J. Lee,

Durwood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing marriage license and certificate between Drury Lee and Miss E. Nora Kuton, offered in support of the application for identification as Mississippi Choctaws of Drury Lee, et al., and the same has been filed with the records in this case.

Relative to that part of your letter in which you state that you have a letter from L. F. Hudson advising you that the affidavits referred to by you were filed in your case, you are informed that it does not appear from our records that any affidavits have been filed in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The letter inclosed by you is returned herewith.

Yours truly,

Commissioner in Charge.

COPY.

• H.C.R. 8572.

Muskogee, Indian Territory, July 23, 1902.

Drury Lee,

Paris, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Jones, et al., embracing the following applications for identification as Mississippi Choctaw:

John Jones,	M.C.R.	751
Angelina Reynolds, et al.,	M.C.R.	738
Nora Kirksey, et al.,	M.C.R.	740
Lucy A. Kidwell, et al.,	M.C.R.	741
Mary Douglas,	M.C.R.	743
Amy Rippetoe, et al.,	M.C.R.	744
Isabel Witherspoon,	M.C.R.	745
Richard D. (J.) Lee, et al.,	M.C.R.	746
Sabra Gertrude Douglas, et al.,	M.C.R.	747
Mary A. Uahor, et al.,	M.C.R.	748
Milan Kidwell,	M.C.R.	750
Jesse Lee,	M.C.R.	752
Sam W. Jones, et al.,	M.C.R.	764
Hattie May Hunter, et al.,	M.C.R.	769
James R. Lee,	M.C.R.	821
Mary Chamberlain, et al.,	M.C.R.	1409
George W. Chamberlain, et al.,	M.C.R.	1410
Emma B. Dodson, et al.,	M.C.R.	1411
Elbert Reynolds,	M.C.R.	1415
Ella H. Reynolds,	M.C.R.	1417
Drury Lee, et al.,	M.C.R.	8572

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

M.C.R. 2072.

McAlester, Indian Territory, August 23, 1902.

BRUFY LEO,

Lawwood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., to the Secretary of the Interior, relative to the decision of the Commission in the consolidated Mississippi Cession case of John Jones, et al., which has been referred to this Commission for consideration and appropriate action.

You state that your lawyers did not file with the Commission the affidavits you furnished them; that the Commission did not fix a day for hearing additional evidence in this case as it did in the cases of your neighbors. In conclusion, you ask if you will be allowed to introduce further testimony in support of the several claims included in this case.

In reply, you are informed that the records of the Commission show that the several applications, with the exception of your own, included in this consolidated case were presented to this Commission during the months of September, 1900, and February, 1901. The application made by you was presented to the Commission May 16, 1902, at which time you stated you claimed the right to

identification as Mississippi Choctaws of yourself and minor children under the provisions of article fourteen of the Choctaw treaty of 1830. This article was read and fully explained and you stated that you understood the provisions thereof.

You also asked thirty days time in which to introduce additional evidence in support of your claim, which was granted.

The authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1890, which is as follows:

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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:

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

ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are the descendants of Choctaw 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 were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 22, 1848.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1891, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 20, 1890, used the following language:

"There is no escape from the conclusion that the provision in the act of June 20, 1890, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, in order for the several applicants included in the consolidated case of John Jones, et al., to obtain rights as Mississippi Choctaws under the provisions of

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the act of Congress of June 20, 1892, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of their 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 several applicants in this consolidated case, since the dates of the filing of their original applications, having failed to submit any proof of any act of compliance on the part of the common ancestor, John Wells, through whom they claim their right to identification as Mississippi Choctaws, with any of the provisions of article fourteen of the Choctaw treaty of 1830; and as the authority of this Commission is only to identify the descendants of fourteenth article beneficiaries, it is not believed that any further evidence of any character you can introduce would be of any material benefit to your claim.

Yours truly,

Acting Chairman.

M.C.R. 5872.

COPY:

Muskogee, Indian Territory, November 7, 1902.

Drury Lee,

Bevia, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Jones, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

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States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

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 Jones, Angelina Reynolds, Beulah L. Reynolds, Arthur C. Reynolds, Millian P. Reynolds, Clara C. Reynolds, Cora E. Reynolds, Benjamin Reynolds, Nara Kirksey, Marvin M. Kirksey, Marlin Artus Kirksey, Lucy A. Kidwell, Denny W. Kidwell, Haudie Kidwell, Annie M. Kidwell, Mark Kidwell, Boyd Kidwell, Mary Douglas, Amy Rippetoe, Fredonia A. Rippetoe, Claud W. Rippetoe, Myrtle L. Rippetoe, Roy E. Rippetoe, Bessie F. Rippetoe, Eunice V. Rippetoe, Jettie May Rippetoe, Isabel Witherspoon, Richard D. (J.) Lee, Noah P. Lee, Richard M. Lee, Annie M. Lee, Effie J. Lee, Sabra Gertrude Douglas, Jossie Douglas, Mary A. Usher, Mabel Lenora Usher, Lena Lucile Usher, William Irvin Usher, Blanche Beatrice Usher, Milan Kidwell, Jesse Lee, Sam W. Jones, Leona Jones, Hattie May Hunter, Mattie Hunter, James R. Lee, Mary Chamberlain, Ella Chamberlain, David B. Chamberlain, Walter Chamberlain, Stella Chamberlain, Edna Chamberlain, Louis L. Chamberlain, Floyd Chamberlain, George W. Chamberlain, Willie Andrew Chamberlain, Emma E. Dodson, Lawrence Y. Dodson, Elbert Reynolds, Ella M. Reynolds, Drury Lee, Mary Jane Lee, Earnest C. Lee, Frances A. Lee, Pearl Lee and Eunice E. Lee, 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,

Registered.

T. B. Needles.

Commissioner in Charge.

No. 5372

For Identification as a Mississippi Choctaw.

Date MAY 16 1902

Name Henry Lee

Age 42 Blood 48

Post-Office, Ravia, N.H.

Father: Noah Lee, w. d.

Mother: Nancy Lee, d.

Claims through mother -
wife - Emily A. Lee, l. w.

No claim for wife.

Children:

May Jane Lee,	11.
Ernest C "	10
Francis A "	7
Pearl "	5
Eunice E "	1

Claims for self and children -

Stenographer J. A. Miles -

Lee Drury et al.

DECISION BY THE J. J. J.

R. 5572

OCT 24 1932

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Choctaw MCR 5573

James R. Bell

See MCR 5749, 5750, 5751

MCR 5573

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

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

James R. Bell, et al.,	M.C.R. 5573
Effie I. Bills, et al.,	M.C.R. 5749
Demarious L. Thompson,	M.C.R. 5750
Maggie L. Brown, et al.,	M.C.R. 5751

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

	(Page)
Original application of James R. Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Effie I. Bills, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	7
Original application of Demarious L. Thompson to the Dawes Commission for identification as a Mississippi Choctaw-----	12
Original application of Maggie L. Brown, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	16
Decision of the Commission refusing the applications in the consolidated case of James R. Bell, et al., for identification as Mississippi Choctaws-----	21

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, May 16, 1902.

In the matter of the application of James R. Bell for the identification of himself and three minor children, Frank L., Lillie and Dan Bell, as Mississippi Choctaws.

APPEARANCES: L. P. Hudson, Attorney for applicant.

Said James R. Bell, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A James R. Bell.
Q What's your age? A Sixty-two in August.
Q What's your postoffice address? A Parker, Custer County, Oklahoma.
Q Q How long have you lived in Parker? A Four years.
Q Where did you live before that? A Texas.
Q Where were you born? A Winston County, Mississippi.
Q When did you leave the State of Mississippi? A I left there right after the war—about 1870.
Q You went from there where? A Texas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Davis Bell.
Q What was your mother's name? A Mulvina Bell.
Q You claim your Choctaw blood through which parent, your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities? A Not as I know of.
Q Have you the proof of the marriage of your father and mother with you now? A No, I haven't.
Q Do you know when and where they were married? A No, I don't.

Thirty days time will be allowed this applicant in which to introduce this proof of the marriage of his father and mother and in which to introduce any other evidence in support of his application.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q What's her name? A Martha L. Bell.
Q You don't make any claim for her, do you? A No sir.
Q How many children under 21 years of age and unmarried have you? A Three.
Q What's the name of the oldest? A Frank L.
Q Next one? A Lillie.
Q Next? A Dan.
Q How old is Frank? A He was born in '82, twenty years old.

James R. Bell, et al.,--2

Q How old is Lillie? A Nineteen.

Q How old is Dan? A Sixteen.

Q You make application for yourself and your three minor children?

A Yes sir.

Q Is Martha L. Bell the mother of these children? A Yes sir.

Q Were either you or your wife married previous to your marriage to each other? A No sir.

Q Are you, your wife and these children all living together at your home? A Yes sir.

Q Have you the proof of your marriage with your wife here now? A

No sir.

Q You can introduce that, can you? A Yes sir, I can.

Thirty days time will be allowed the applicant in which to offer proper proof of the marriage of himself and wife, Martha, for use in connection with the application he makes in behalf of his minor children.

Q Is your name on any of the Choctaw Tribal rolls 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 Not until now.

Q You never did make application to the Dawes Commission in 1896?

A No.

Q Never have you made application for citizenship, for yourself and children, to any authority until this present application? A No.

Q You never have been admitted to citizenship, have you, in the Choctaw Nation, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Nor your children? A No sir.

Q Do you now come to the Commission to be identified as a Mississippi Choctaw, for yourself and children, claiming under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know as I do, exactly.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek September 27, 1830 and was made for the purpose of inducing all of the Choctaw Indians who lived in the old Choctaw Nation to go 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 so article 14 was put in the treaty to protect their interests. Article 14 is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of

one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 know of any of your Choctaw ancestors who complied with any of the provisions of that article? A None as I know of.
- Q Do you think you understand that well enough to claim under it? A Yes sir.
- Q What's the name of that ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Bell.
- Q What relation was he to you? A My grandfather.
- Q Did he live in the State of Mississippi in the year 1830? A I don't know.
- Q Did he ever live in the State of Mississippi or the State of Alabama? A I can't answer that.
- Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi or Alabama, in the old Choctaw Nation, in 1830 and who was the head of a family there then? A No, I can't.
- Q How old would John Bell be if he were living now? A I can't tell you.
- Q How much Choctaw blood did he have? A My father said he was a half.
- Q Did your father ever live in Mississippi? A Yes sir.
- Q Was he born there? A I can't tell you.
- Q When did he live in Mississippi? A '40 to '50.
- Q How old would your father, Davis Bell, be if living now? A I think he was born in 1818.
- Q He would be 84 years old you think, now? A Yes sir.
- Q That's your father? A Yes sir.
- Q Don't you know where he was born? A No sir, I don't know whether he was born in Mississippi or not--I can't answer that.
- Q You can't give any family or history or tradition of any ancestor who lived in Mississippi in 1830 and had a family there then? A Yes, he told me so.
- Q Who told you what? A My grandfather told my father and my father told me.
- Q What did he tell you? A That he was a half Choctaw.
- Q What I want to know--did your grandfather tell your father and did your father tell you that he (your grandfather) lived in Mississippi in 1830 and was the head of a family then? A I can't tell you that--I can't answer that.
- Q Did any of your Choctaw ancestors own any improvements in land in Mississippi or Alabama in the old Choctaw Nation in 1830? A None as I know of.

James R. Bell, et al., --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 Col. Ward and tell him that they wanted to stay in Mississippi and take land and become citizens of the States? A I don't know.

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

Q Did any of your Choctaw ancestors own an improvement or any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article 14 of the treaty of 1830? A None to my recollection.

The Indians who remained in the old Choctaw Nation after the Treaty of 1830 was ratified were required, if they remained and took advantage of the provisions of article 14 of that treaty, to go to the United States Indian Agent within six months from its ratification, in order to take advantage of its provisions, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the States. Although a great many Indians did this, Col. Ward neglected to put their names on his list known as Ward's Register. The result of his neglect to do so caused a great many Indians who had land in the old Choctaw Nation to lose both their land and improvements. They were both taken away from them by the Government, and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, so, in 1837, by an act of Congress approved March 3, of that year, a Commission was appointed which went to Mississippi and heard claims under article 14 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 claims under article 14 of that treaty.

Q Did any of your Choctaw ancestors go before either of those two Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A None to my knowledge at all.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A None to my recollection.

This scrip was issued by act of Congress approved August 23, 1842, and was issued only to those Indians who proved their claims under article 14 and also proved that land had been taken from them in Mississippi in the old Choctaw Nation and sold by the Government.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A None that I know of.

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

James R. Bell, et al.,--5

Examination by Mr. I. P. Hudson:

Q You say that you are sixty-two years old; where were you born?

A Winston County, Mississippi.

Q How long had your father resided in that locality prior to the time that you were born--what have you been told about this? A He went there in '28 or '30, so he was told.

Q And his father and his mother, of course, were living there at that time? A Why-yes.

Q Then, as a matter of fact, this John Bell, your grandfather, as you are informed, and understand, was living in Mississippi in 1830 according to these figures? A Yes sir, he was bound to be.

Q Then, you have been told these things and understand them but when you were asked by the Commission in regard to them, you stated you didn't know--of course you weren't positive about it, is that it?

A Yes sir.

Q Now, Mr. Bell, you have some children that are over age and married that you haven't given here? A Yes sir.

Q And you expect these children to appear here before the Commission? A Yes sir.

Q I would like to have the names of these children from you so that when they do appear they will have been identified as your children, is one of them Robert Lee Bell? A Yes sir.

Q Where does he live? A He's a contractor on this Choctaw line here.

Q And is going from one place to another? A Yes sir.

By the Commission:

Q Where does he get his mail? A One place and another.

By Mr. Hudson:

Q Is James L. Bell another one of your sons? A Yes sir.

Q Where does he live? A Fort Worth, Texas.

Q Is Effie I. Bills a daughter of yours? A Yes sir.

Q Where does she live? A She lives in Washita County.

Q Is she married? A Yes sir.

Q What's her married name--her husband's name? A Pitts Bills.

Q What's the name of another daughter? A Demarcus L. Bell.

Q Is she also married? A Yes sir.

Q What's her husband's name? A I can't think of it.

Q Is Maggie Lucy Bell a daughter of yours? A Yes sir.

Q Where does she live? A She lives in Washita--she married a man by the name of Brown.

Q Is that all the children that you have that are over 21 years of age and married? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage--has dark hair, very nearly black--gray whiskers--dark brown eyes--ruddy complexion; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his

James H. Bell, et al--6

ancestors with article 14 of the treaty of 1830.

Ira S. Hiles, 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 Muskogee, Indian Territory, May 16th, 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 May, 1902, at Muskogee, Indian Territory.



Notary Public.

2074


Case.

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

---0---

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

James R. Bell, et al.,	M.C.R. 5573
Effie I. Bills, et al.,	M.C.R. 5749
Demarius L. Thompson,	M.C.R. 5750
Maggie L. Brown, et al.,	M.C.R. 5751

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

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by James R. Bell for himself and his three minor children, Frank L.,
Lillie and Dan Bell; by Effie I. Bills for herself and her minor
child, Deessie Bills; by Demarius L. Thompson for herself, and by
Maggie L. Brown for herself and her minor child, Earl Brown, 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 John Bell, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

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

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Bell, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims

by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Effie I. Bills, Dossie Bills, Demarius L. Thompson, Maggie L. Brown and Earl Brown, as Choctaw Indians entitled 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.

CHIEF

Tame Bixby

Acting Chairman.

MEMBER

T. B. Needles

Commissioner.

MEMBER

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

JAN 6 1903

COPY.

M.C.R. 5573

Muskogee, Indian Territory, January 6, 1903.

James R. Bell,

Parker, Oklahoma Territory,

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5573
Effie I. Bills, et al.	M.C.R. 5749
Demarious L. Thompson	M.C.R. 5760
Maggie L. Brown, et al.	M.C.R. 5751

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Effie I. Bills, Dossie Bills, Demarious L. Thompson, Maggie L. Brown, and Earl Brown as Choctaw Indians entitled to rights in the

James R. Bell,--S

ghosted 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.
Acting Chairman.

Registered.

COPY

M.C.R. 5573

Muskogee, Indian Territory, January 6, 1903.

V. H. Herrinon,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5873
Ernie F. Bills, et al.	M.C.R. 5749
Demarcus L. Thompson	M.C.R. 5750
Maggie L. Brown, et al.	M.C.R. 5751

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 James R. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Ernie F.

W. M. Harrison, --2

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

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

Respectfully,

James H. Haby
Acting Chairman

Registered.

Muskogee, Indian Territory, January 6, 1903.

Manafield, 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 Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., concerning the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5573
Effie I. Bills, et al.	M.C.R. 5749
Devarious L. Thompson	M.C.R. 5750
Maggie L. Brown, et al.	M.C.R. 5751

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 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. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Effie L. Bills, Dessie Bills, Devarious L. Thompson, Maggie L. Brown and Earl Brown as Choctaw Indians entitled 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. M. & C. — 3

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,

Respectfully,

Lorne Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, January 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James R. Bell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 6, 1903.

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

James R. Bell, et al.	M.C.R. 5573
Effie L. Bills, et al.	M.C.R. 5749
Demarious L. Thompson,	M.C.R. 5780
Maggie L. Brown, et al.	M.C.R. 5781

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

Respectfully,

(SIGNED)

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5573.

T. L. Hedden

Commissioner in Charge.

COPY.

Land
6026-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON.

May 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for departmental consideration record of the Commission to the Five Civilized Tribes in the matter of the application of James R. Bell for himself and his three (3) minor children, Frank L., Lillie and Dan Bell; Effie L. Bills for herself and her minor child, Dossie Bills; Demarious L. Thompson for herself, and Maggie L. Brown for herself and her minor child, Earl Brown, wherein a decision adverse to the applicants was rendered by the Commission on January 6, 1903.

The applicants in this case base their claims to a right to identification as Mississippi Choctaws on their descent from John Bell and his son, Davis Bell, it being claimed that John Bell was the head of a Choctaw family in the Choctaw Nation, in Mississippi in 1830, and as such was a beneficiary or claimant under the provisions of the 14th article of the Choctaw treaty.

The Commission rejects the applicants for the reason that the name of John Bell does not appear upon its records as either an

applicant or a beneficiary under the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office shows that there was no person of the name of John Bell who was either an applicant or a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830. The witnesses place the time of birth of Davis Bell as 1818 which would make him 12 years of age in 1830. There was a David Bell the head of a family in the Choctaw Nation in 1830, who applied for benefits under the 14th article and received scrip for himself and children, Winna and Lila both girls. There was also a Robert Bell, the head of a family in the Choctaw Nation in 1830, who received a patent for land under the 14th article of the Choctaw treaty. He had a wife but no children and was a son of James Bell. James Bell, the father of Robert Bell also applied for land under the 14th article of the treaty, and was rejected for failure to fully comply with the provisions; there were in his family at that time three (3) children Rachel, Martha and Alexander.

Besides Robert Bell who had a married daughter named, Me-lin-ga-lial, his son Alexander married Sally, daughter of Bow-a-tubbae. As will be seen by the information given herein, in connection with this Bell family it is evident that Davis Bell the ancestor of these applicants could not have been the David Bell who received scrip under the 14th article of the Choctaw treaty. I am, therefore, of the opinion that the John Bell and Davis Bell under whom these applicants claim were not identical with any of the Bells who

were applicants or beneficiaries of the 14th article and I, therefore, recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

A. C. TURNER

Acting Commissioner

HRB-B

COPY.

D.C. 15087-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD-4454-1903.
I.R.S.

W.C.
R.A.F.
May 18, 1903.

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

Gentlemen:

January 22, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of James R. Bell and his minor children, Frank L., Lillie and Dan Bell; of Effie I. Bills and her minor child, Dossie Bills, of Demarius L. Thompson; and of Maggie L. Brown and her minor child, Earl Brown. You refused the applications January 6, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of John Bell, who is alleged to have been a half blood Choctaw Indian and the head of a family in the Choctaw Nation, Mississippi, in 1830, through his son, Davis Bell, the father of the principal applicant.

The records of the Indian Office fail to show that any one by the name of John Bell 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. There was a David Bell who was the head of a family in the Choctaw Nation, Mississippi,

in 1830, and who received scrip for himself and two children, both girls. The evidence in this case shows that Davis Bell was about 12 years of age at the date of the signing of the treaty; therefore he could not have been identical with the David Bell who received scrip. There were also a James and Robert Bell, his son, both of whom were heads of families in Mississippi in 1830, and Robert Bell received a patent to land under article 14.

The Department after comparing the information furnished by the Indian Office with the evidence furnished by the record in this case, is of the opinion that the said Davis Bell and John Bell were not identical with the family by that name who attempted to comply with the provisions of the treaty.

Reporting in the matter May 14, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

After carefully reviewing the record the Department finds no reason to disturb your decision, and the same is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 Inclosure.

M.C.R. 5673.

COPY.

Muskogee, Indian Territory, July 11, 1903.

James R. Bell,
Parker, Oklahoma.

Dear Sir:

You are hereby notified that on the 18th 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 James R. Bell, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 8573.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McHurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th 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 James R. Bell, et al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 8573.

COPY.

Muskogee, Indian Territory, July 11, 1903.

W. M. Harrison,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th 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 James R. Bell, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge

Consolidated Case
of

James R. Bell

FBI 5573

John Bell $\frac{1}{2}$ *or D.M. and son.*
Davis Bell (84?)
wife *- d.*
Mulvina Bell

mcr
5522
James R. Bell 61- $\frac{1}{2}$
wife
Martha Lucy Bell
- w.

mcr
5573
Frank L. Bell 20
Lillie Bell 19
Dan Bell 16

mcr
5749
Effie J. Bell 29- $\frac{1}{16}$ *mcr*
5749
mar
Dossie Bills 7
J. P. Bills - w.

mcr
5750
Demarious L. Bell 24- $\frac{1}{16}$
mar
A. J. Thompson
w.

mcr
5751
Maggie L. Bell 22- $\frac{1}{16}$ *mcr*
5751
mar
Earl Brown 1
A. J. Brown - w.

Robert Lee Bell
James L. Bell

For Identification as a Mississippi Choctaw.

Date MAY 16 1902

Name James R. Bell.

Age 61 - Blood 1/8

Post-Office, Parker, Okla.

Father: Lewis Bell - d

Mother: Melvina " - d

Claims through father,
wife Martha L. Bell, l.w.

No claim for wife -

Children:

- Frank L. Bell - 20
- Lillie 19
- Joan 16

Claims for self
and minors -

Stenographer J. A. Nis.

Choctaw MCR 5574

Alice Gardner

See MCR 4702, 4815, 4816, 4817, 4818
5575, 5576, 5577, 5578, 5579, 5580
5593, 5871, 5872, 5882, 5883, 5884, 5885
5886, 5898, 5899, 5900, 6069, 6070, 6071
6072, 6073, 6074, 6075, 6076, 6077
5587, 6236, 6237, 6320, 6321

MCR 5574

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory, May 16, 1902.

In the matter of the application of Alice Gardner for the identification of herself and three minor children, E.J., Jimmie, and Albert, as Mississippi Choctaws.

APPEARANCES: Thomas & Harrison, Attorneys for applicants, represented by W.M. Harrison.

Said Alice Gardner, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Alice Gardner.
Q What's your age? A Thirty-one.
Q What's your postoffice address? A Shawnee, Oklahoma.
Q How long have you lived at Shawnee? A Three years, I think.
Q Where did you live immediately before that? A We've been living here in Oklahoma since the latter part of '91.
Q Where did you live before you lived in Oklahoma? A Lived in Choctaw Nation principally; we lived in Arkansas a few months.
Q Where were you born? A In Missouri.
Q Where did you move from Missouri? A We lived in Arkansas--I moved to the Choctaw Nation--I was living there when I married and moved to Arkansas and then moved to Oklahoma.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Charles C. Smith.
Q What's your mother's name? A Elizabeth Smith. Her maiden name was Gist.
Q Through which parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I can't say exactly to the percentage--I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A I don't know as he has ever been enrolled ---according to my best information his grandparents were enrolled.
Q Were placed upon certain rolls in Mississippi? A Yes sir, according to what information we've got.
Q He hasn't been enrolled? A No sir, the Indians in the Choctaw Nation all said he was a Choctaw Indian.
Q But the Council hasn't recognized him by any official act? A No.
Q Have you the proof of the marriage of your father and mother with you? A No sir, I haven't it but I can get it later.
Thirty days time will be allowed for that purpose.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A A white man.

- Q What's his name? A Eli J. Gardner.
- Q You make no claim for him? A No sir, none whatever.
- Q How many minor children have you? A Three.
- Q What's the name of the oldest? A E.J. Gardner.
- Q What does the "E" stand for? A That's all, just E.J.--"E" doesn't stand for anything, just E.J.
- Q How old is E.J.? A He will be ten in June.
- Q He's nine now? A Yes sir.
- Q What's the name of the next child? A Jimmie Gardner.
- Q Boy or girl? A Boy.
- Q How old is he? A Seven--soon be eight.
- Q What's the name of the next? A Albert.
- Q How old? A Five.
- Q Is that all? A Yes sir.
- Q Is Eli J. Gardner the father of these children? A Yes sir.
- Q You were never married before you married him or he before he married you? A I was never married before but he was.
- Q Neither he nor his children have Choctaw blood have they? A The children by his first wife haven't.
- Q You just want to make application for yourself and your children? A Yes sir.
- Q You and your husband are living together now? A Yes sir.
- Q And the children are living with you? 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? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal authorities in the Territory? A No sir, never have.
- 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, never have made any application until now.
- Q Is this your first application for yourself and children? A Yes sir.
- Q You never have been admitted to citizenship in the Choctaw Nation by any authority, with your children, have you? A No, for I never applied.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A I do.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.

The article, itself, 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 x within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 know if any of your ancestors complied with the provisions of that article, or not? A Well, I couldn't swear to it personally but from information we have been informed that our great-grandfather--that he taken land there.
- Q Did he claim that land in 1830 under article 14 of the treaty of 1830? A That's what I understand.
- Q What was his name? A His name, so we've been taught, was Che-ka-chyo. I couldn't swear that, but that's from information--from family history.
- Q What relation was he to you? A We've always been taught that he was our great grandfather.
- Q How much Choctaw blood did he have? A He was called a full blood, I think.
- Q Did he live in Mississippi in 1830 and have a family of children there then? A That, you know, I don't know--they say that he did.
- Q Who said that he lived in Mississippi in 1830? A I've always heard that from my parents.
- Q Its a matter of family history and tradition with you, is it? A Yes sir.
- Q How old would he be if he were living now? A I don't know.
- Q You claim through your father, Charles C. Smith, do you not? A Yes sir.
- Q And he claims through which parent? A From his mother.
- Q What was her maiden name, your father's mother's maiden name? A We've always been taught that her maiden name was Che-ka-chyo.
- Q What was her given name? A Sallie.
- Q She was the daughter of this great grandfather whose name you have given as Che-ka-chyo? A Yes sir.
- Q You claim through your father? A Yes sir.
- Q And he was born where? A In Mississippi.
- Q How long did he live in Mississippi? A I don't know.
- Q He went from Mississippi where? A I think he went to Arkansas.
- Q And went from Arkansas where? A I think he and mother were married in Arkansas and they lived there until the civil war broke out and then they went to Missouri and they stayed in Missouri and I don't know what year it was they came back to Arkansas and stayed two years and then came to Indian Territory and my father stayed there in the Choctaw Nation and then came to Oklahoma and he died in Oklahoma.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know, only that they said that that great grandfather of ours taken land there but he was made to get off of it.
- Q Do you know what year that was? A No, I don't know.

Alice Gardner, et al., --4

Q Do you know where the land was located? A No sir.

Q Have you any evidence of that fact by any deeds or patents or scrip issued to this ancestor of yours? A No sir.

Q You don't know of the existence of any at the present time? 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 and take land there and become citizens of the States? A According to our family history, this great grandfather, he made an application for land and he got land but from some means or other he was made to get off of it.

Q Did he go before Col. Ward in 1831 or did he go before a Commission that was appointed later, one in 1837 and the other in 1842? A I don't know.

Q Col. Ward was the United States Indian Agent who was located in Mississippi in the year 1830 and 1831, just as this Indian Agent, Col. Sheenfelt is Agent of the Indians here? A I suppose if he made an application he must have made it to him.

Q Did he make an application to him or to one of those Commissions appointed in 1837 and 1842? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of article 14 of that treaty, to go to the United States Indian Agent, Col. Ward, within six months from the ratification of this treaty--he was the United States Indian Agent--and tell him that they wanted to stay in Mississippi and take land there and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward neglected to put on his list known as Ward's register. His failure to make a proper registration of the names of these applicants and claimants under article 14 caused a great 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 of the United States and sold. This caused so many complaints amongst the Choctaw Indians that in 1837, by an act of Congress approved March 3, of that year, a Commission was appointed by the President which went to Mississippi and heard claimants under article 14 of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article 14 of that treaty.

Q Do you know if your ancestors, any of them, went before either of these two Commissions? A No sir, I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land there in Mississippi or in Alabama, Louisiana or Arkansas, to take the place of the land which they had formerly owned in Mississippi and Alabama and which the Government had taken and sold? A Not that I knew of.

Alice Gardner, et al--5

Q Have you any relatives who have been before the Commission previous to this application of yours to be identified as Mississippi Chectaws? A No sir.

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

Thirty days time will be allowed this applicant in which to introduce other proof, if it is so desired, in support of this application.

Examination by W.M.Harrison:

Q Is it not a part of your family history and tradition that the great grandfather through whom you claim your Chectaw blood, applied for land in Mississippi under the treaty of 1830 and for some cause did not get his land? A Yes sir, from some cause he didn't get his land.

Q And your knowledge of this fact you gained from the acquaintance you have with your family history and tradition? A Yes sir, from my family history.

By the Commission:

Q You claim that an ancestor of yours whose name you give as Che-kachye, was a great grandfather of yours and a full blood Indian, do you? A Yes sir.

Q That is the manner of spelling it as you know? A Yes.

Q You don't pretend to be an expert in the spelling of Indian names? A No sir, I don't.

Q Do you know the section of land and can you describe it which he had in Mississippi? A Yes sir, it was Section 16, Township 26 and Range 5, according to the information that's the place he had.

Q Did you understand that the United States Agent for the location of claims was named George W. Martin and he made a register of claims under the 14th article of the treaty of Dancing Rabbit Creek of September 27, 1830, in which was the name of this ancestor under whom you claim? A Yes sir, according to family history that our ancestor made a claim under this George W. Martin.

Q Did you understand that that land was afterwards taken from your ancestor? A Yes sir, for some reason or other it was taken from him

A name appears in that register, as shown by the list itself to which reference is here made, on page 80 of Volume 1 of the Chectaw Nation vs United States, of one Chekachye, who was granted one section, No. 16, Township 26, Range 5 W, as shown by this register made by Col. George W. Martin.

Q You will notice that the name is spelled differently from the spelling of the name which you give as your great grandfather? A Yes sir.

Q You will also notice that the description of the land is the same? A Yes sir.

Alicia Gardner, et al--6

Q Do you believe and testify that these two names are intended for one person and that one person your great grandfather? A Yes sir.

Q Is that a matter of family history and tradition? A Yes sir.

Q Supported by this record? A Yes sir.

Q The name of Che-ka-ohye, if separated differently from the manner in which you have given it, would make the name of Che-kach-you, would it not? A Yes sir.

Q The difference in the spelling of the name, therefore, is simply a difference in the dashes between letters in the word? A Yes sir.

Examination by Mr. Harrison:

Q State why you believe the names Che-kach-you and Che-ka-ohye to be the same--do you understand the question? A I believe I do. The difference in the spelling I see is in the division of the syllables; with that Che, the same as it is here; then with that "ka" and a dash; then ohye of the last syllable.

Q You may state further the similarity in the sound of these two names by reason of the dash being between the "ka" and the "ch" if it was spelled that way? A If it was divided I don't see what the difference would be.

Q If it were divided as you suggest, would it sound the same as the name to which you have testified in your application? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; she has a dark complexion and dark brown hair, very nearly black; she has eyes between dark blue and brown. She has no knowledge of the Choctaw language. There are present before the Commission at the same time of the application of this applicant two sisters and two brothers; one sister, Minnie Smith, has the color of hair and complexion and cast of features and color of eyes of one possessed of Indian and white blood in which, in her case, the Indian blood seems quite apparent; her eyes are very dark and her hair is black. The other sister, Jennie Miller, has also black eyes, dark hair with reddish cast, and complexion not so dark as her sister Minnie Smith; one brother present, John M. Smith has a dark complexion, darker than would be entirely due to being tanned, and hair nearly black; he has blue eyes; another brother, James G. Smith, has black eyes, very dark complexion and dark brown hair--his complexion is quite dark but his hair is not as dark as his sister, Minnie Smith or his brother John M. Smith who has the blue eyes. This applicant does not understand the Choctaw language. She claims a compliance on the part of her ancestor, her great grandfather, with the provisions of article 14 of the treaty of 1830 in that he, she claims, to be the same person whose name appears upon page 80 of Volume 1 of the Choctaw Nation vs the United States Government where it is spelled Che-kach-you and where the

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description of land, Section 16, Township 26, Range 5, is
the same description of land which she claims that her
ancestor, Ohs, ka-chyo, received.

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 Muskogee,
Indian Territory, May 16, 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 May, 1902,
at Muskogee, Indian Territory.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory, May 17, 1902.

In the matter of the applications for identification as
Mississippi Choctaws, of-

Alice Gardner	M C R 5574
Jennie I. Miller	" 5575
Cassie E. Bates	" 5576
Minnie Smith	" 5577
John M. Smith	" 5578
James G. Smith	" 5579
Nancy Yocum	" 5580
Frank Jumper	" 5587

Eli J. Gardner, being called as a witness in behalf of the
above named applicants and being first duly sworn, upon his oath
testifies as follows:

(Appearance: Thomas & Harrison, Attorneys for appli-
cants, represented by W.M. Harrison)

Examination by the Commission.

- Q What's your name? A Eli J. Gardner.
Q What's your age? A Fifty-four.
Q What's your postoffice address? A Shawnee, Oklahoma.
Q Are you an applicant for identification as a Mississippi Choctaw
before the Commission? A I am not.
Q What is your blood or nationality? A Irish and Dutch.
Q You are a white man, then, are you? A Yes sir.
Q Are you related to any of these applicants? A By marriage.
Q To whom are you related by marriage? A Alice Gardner.
Q In what State or Territory have you lived last? A For ten years
in Oklahoma.
Q Where did you live previous to going to Oklahoma? A On the line
of Arkansas and the Choctaw Nation.
Q Where was that? A Eighteen miles south of Fort Smith.
Q In what State? A In Arkansas.
Q Where did you live previous to that? A I lived in Tennessee--
I was raised in Tennessee.
Q Were you born in Tennessee? A Yes sir.
Q Do you now come before the Commission to testify to the Choctaw
blood of these different applicants who have been named, and also
in regard to their having complied ~~and~~ or not having complied
with article 14 of the treaty of 1830? A I do.

Examination by Mr. Harrison:

- Q What relation are you to Alice Gardner? A Her husband.
Q Are you acquainted with Jennie I. Miller? A I am.
Q Cassie E. Bates? A Yes sir.
Q Minnie Smith? A Yes sir.
Q John M. Smith? A I am.
Q James G. Smith? A I am.
Q What relation are they to Alice Gardner? A Brothers and sisters.

Alice Gardner, et al--2

Q Do you know Nancy Yocum? A I do.

Q State, if you can, the relationship existing between Nancy Yocum and these parties whose names I have just mentioned? A They're from one common ancestor.

Q State if you can the name of that common ancestor? A Che-ka-chyo.

Q Who was Che-ka-chyo, as you state? A He was a Choctaw Indian.

Q Where did he live? A In Mississippi.

Q Are you acquainted with Frank Jumper? A Yes sir.

Q State the relationship, if you know, existing between Frank Jumper, if any, and Alice Gardner and her brothers and sisters whose names I have mentioned? A One common ancestor.

Q When you say from one common ancestor, state whom you mean? A Che-ka-chyo.

Q State what opportunities you have had to become possessed of facts to which you testify and when those opportunities presented themselves, how you took advantage of them and what induced you to do so? A It's been five months ago that the old man told me --

Q What old man? A Smith.

Q What Smith? A Charles C. Smith.

Q What relation is Charles C. Smith? A My wife's father. He told me of his ancestors of Mississippi Choctaws and that they were dispossessed of their rights. While I never took any more notice after that I had a number of conversations leading to the same point and about four months ago I got the decisions and rulings of the Secretary of the Interior and on page 230 in running over different decisions that I was hunting, I run up on the same name that Charles C. Smith had given me and it went on to say how he was dispossessed of this land by a man named Reid and it brought about a contest with a lot of soldiers--additional homesteads--and the decision was there that this land wasn't subject to a homestead. Che-ka-chyo, being located on there, had been removed by an act of Congress and that they had no power whatever to make that a piece of public land--that was school land which George W. Martin located and that that was illegal. Then I got on the train and went to Jackson, Mississippi.

Q State who you understood George W. Martin to be? A I believe in '33 General Jackson appointed George W. Martin--so said that decision--to go and re-locate those Indians that hadn't received no location.

Q In what State? A In Mississippi.

Q You speak of a piece of land--do you know of any description to identify that land or connect it with this man Che-ka-chyo that you are talking about? A Yes sir.

Q Can you give that description? A Yes sir, Section 16, Township 26, Range 5 West.

Q You may state how you become possessed of that information? A To be satisfied that I was correct I got on the train and went to Jackson, Mississippi.

Q When was it? A That was in February.

Q Of what year? A This year--I was there one week. I find the notations that the Secretary of the Interior referred to in his decision but the piece of land stood as school land. That's what I found there and the register and receiver both told me it was school land. That's all I know of that piece of land.

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Q You were in Mississippi and you made an investigation among people who claimed to be related to or knew anything of the family history and traditions of the descendants of this man Che-ka-cho? A I did.

Q Was that conversation with reference to the family history and traditions of this ancestor? A It was so.

Q Now, you may state what information you received from that source with reference to the descendants whose names I gave you a while ago and their connection with this ancestor Che-ka-cho? A I had conversations with different ones.

Q Can you give their names? A There was William W. Purtick and Sam Jumper and Philip Jumper, a lady by the name of Cooper--I believe these are the chief ones I talked to. I find in investigating what they they knowed of it - - - -

By Mr. Harrison:

Inasmuch as the testimony of these witnesses will be taken and opportunity will be taken to have their testimony taken, I thought it would not be necessary to go into detail on the part of this witness because he would simply be testifying to what these witnesses will have opportunity to testify to.

Q Is there any other statement you wish to make to which attention has not been called either by the Commission or by myself with reference to the claims of either of these parties who claim to be the descendants from this common ancestor relative to their claims for their admission as Choctaws, Mississippi Choctaws? A I believe not.

Q You are the husband of Alice Gardner who appeared before the Commission? A Yes sir.

Q She appeared before the Commission on May 16th, did she not? A Yes sir.

Q You are a white man? A I am.

Q Where do you live? A Shawnee, Oklahoma.

Q You went to Mississippi, did you, the first part of this year to investigate into this matter of the rights of your wife and other parties to be identified as Mississippi Choctaws? A Yes sir.

Q And what you have testified to is the result of your investigations in Mississippi? A Yes sir.

Q Now, you speak of Charles C. Smith, an old man, I didn't quite understand whom you meant by him? A My wife's father.

Q What was his first information to you with reference to your wife's claim to be identified as a Mississippi Choctaw? A They had been dispossessed.

Q Who had been dispossessed? A His forefathers.

Q Whom of his forefathers had been dispossessed? A Che-ka-cho.

Q How long a time did you study into this matter while you were in Mississippi? A This was several years back--we talked over it quite many a number of times.

Q How long have you been engaged in looking up the matter of the right of this common ancestor under article 14? A About four months.

Q It seems to me a little strange you didn't pronounce the name of this common ancestor a little differently--its Che-kash-ye and Che-kash-yen--you never did learn to pronounce Choctaw, did you?

A No sir.

Alice Gardner, et al--4

Q Did you ever see the name of Che-kach-you in a register made out by George W. Martin when you think was the locating Agent in Mississippi in 1831, who had opposite his name a notation as to having received or having been entitled to one section, 16, Township 26, Range 5 West, of land in Mississippi? A No sir, I didn't see that.

Q How does it happen if you spent considerable time in Mississippi looking up the title of this ancestor of your wife, that you never saw this notation here in George W. Martin's register?

A I wasn't in possession of that George W. Martin's book. Where I got it from was in the tract books of the United States.

Q You say that in the records you have examined you saw that Che-ka-chye or Che-kach-you was dispossessed of his land; by whom was he dispossessed? A By the Government. That's the way it was in Hitchcock's decision.

Q What Hitchcock is that? A Secretary of the Interior.

Q This present Secretary? A Yes sir; he said it was done by a certain act of Congress.

Q Don't you mean to say that in this register of George W. Martin's in which the name of Che-kach-you appears, as having been entitled to Section 16, Township 26, Range 5 West, of land in Mississippi, was not ratified by Congress--did not Congress refuse to ratify this act?

A Yes sir.

Q Then, if this Che-kach-you, whose name appears on Col. Martin's register, is the same as the common ancestor of your wife and others, your investigation would rather look toward the fact or prove that when George W. Martin's register was submitted for approval or disapproval it was not approved--is that it? A Yes sir, it wasn't approved.

Q Are you able to give a little more clearly than you did already a statement of what action was taken in reference to the property which your wife's ancestor held in Mississippi and how and when and why he was dispossessed--make the statement a little more clearly if you can? A That this section was school land and not subject to any location.

Q That the act of Congress was based upon the fact this this section was public school land and not subject to being located by the Agent Col. George W. Martin? A Yes sir.

Q In your investigation of the identity of your wife's ancestor, what proof did you find that Che-kach-you, whose name appears in Col. Martin's register, and Che-ka-chye were the same persons--I want you to prove the identity of these persons having the two different names, if you can?

By Mr. Harrison:

I submit that that is not the question you started out to ask him.

Commission:

That question is all right--please answer it.

Witness:

I find that the same person that I find at home--the notations show that George W. Martin had made this location. It must have been the same person by it being the same piece of land. Examination by Commission.

Q What you mean, then, is this--that it is a matter of family history

Alice Gardner, et al--5

and tradition, is it, among your wife's ancestors and your wife's people that that ancestor had a certain piece of land in Mississippi which is described in the same manner as the description of land opposite the name of Che-kach-you in Col. George W. Martin's register?

A Yes sir.

Q How do you know that your wife's ancestor had Section 16, Township 26, Range 5 West, in Mississippi--who told you that? A Charles C. Smith.

Q How did he know? A He had been taught it.

Q Who had he been taught by? A By his ancestors down.

Q I want all the proof that he can give me that he knew that was a fact--you knew it through him and he knew it through whom?

A Through his father and mother.

Q What was his father's name? A Jack Smith; and his mother.

Q What was her name? A Sallie Smith--she was the daughter of Che-kach-you.

Q So, then, the fact this common ancestor, Che-kach-you, had land in Mississippi which he had received from the Government and of which he was dispossessed, is a matter of family history and tradition of the family and among the relatives of your wife? A It is so.

Q Are there any documents in existence of any kind, any scrip that had been issued to this common ancestor, any money payment recorded or any evidence of record that shows that Che-kach-you was a beneficiary of the Government under article 14 of the treaty of 1830? A I found none.

Q You found simply, then, what is recorded on Page 80 of Volume 1 of the Choctaw Nation vs The United States Government? A No sir, not in that volume.

Q But some other record and information from the Secretary of the Interior? A Yes sir.

Q But you believe that the Che-kach-you whose name appears in Col. Martin's register is the same ancestor, although the name is somewhat differently pronounced and spelled, of your wife and other relatives, because it is a matter of family history and tradition that your wife's people received land so and so, described as recorded opposite the name of Che-kach-you in Col. Martin's register? A Yes sir.

By. Mr. Harrison:

You mean corresponding to?

Commission:

Yes sir, corresponding to is a better expression.

Q Now, how was it that your wife's common ancestor was by the Government dispossessed of his land; the records show the records of the register submitted by Col. George W. Martin--this this land, Section 16, Township 26, Range 5 West, was by one Che-kach-you assigned to one John B. Davis, who was the holder of the land and the assignee; it would appear this this Che-kach-you had dispossessed himself of the land by assigning it to John B. Davis? A I found no notice to that effect.

Q Are you sure that this man is the same as Che-kach-you that was your common ancestor? A Nothing, only they had the same section of land.

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Q It was the same land, your wife's family history shows, that section township and range, but this record further shows that he himself assigned it and must have been possessed of it and he himself must have dispossessed himself by an assignment; I want you to explain the discrepancy between this record and the family history and tradition, as you get it, of your wife's people, that their ancestor was dispossessed by the Government? A By being school land and not subject to a location and also by an act of Congress; it was first ~~xxxx~~ located and taken by an order that was to stand so long and if not approved by Congress it was to be void.

Q In that regard, the statement which you received from Mr. Hitchcock with reference to your wife's ancestors being dispossessed of this land--is there any mention made at all of the fact that he had assigned that land to John B. Davis? A No sir.

Q You are not able to explain this part of it, then, are you? A I am not.

Examination by Mr. Harrison:

Q Whilst you were in Mississippi did you meet and become acquainted with a lady by the name of Mrs. Sam Cooper? A Yes sir.

Q How old is she? A Ninety-nine years old.

Q State whether or not you had any conversation with her relative to this family history? A She said she was personally acquainted.

Q With whom? A With Che-kach-you.

Q State whether or not the information upon which you have based your testimony was in whole or in part derived from conversations had with her relative to the subject? A That she was personally acquainted with Che-kach-you and lived near neighbor to him a number of years and knowed his family; his three daughters and of their marriage.

Q Is this lady still living? A She was then.

(Witness excused)

William C. Mitchell, being called upon to testify in relation to the application for identification as Mississippi Choctaws of Alice Gardner, et al, and being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A William C. Mitchell.

Q What's your age? A Sixty-two.

Q What's your postoffice address? A South McAlester.

Q What is your nationality? A I've got a right in the Choctaw Nation--I'm a court citizen.

Q How much Choctaw blood have you? A There's either one-sixteenth or one-eighth.

Q Do you speak the Choctaw language? A I understand tolerably well the Choctaw language and can speak some of it.

Q How did you learn the Choctaw language? A By being with the Choctaws in Indian Territory.

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Q By trading with them at South McAlester? A Yes sir, I have been and am now trading in stock, mostly, since the war.

Q Then your knowledge of the Choctaw language is picked up by association with them in matters of trade, etc? A Yes sir.

Q Do you think you could undertake to carry on a conversation on any given subject with a Choctaw? A Well, if I am acquainted with a Choctaw I could in some things but with strangers I couldn't very well. I could at one time but can't do much at it now. I have forget a great deal of Choctaw.

Q You don't undertake to testify, do you, in reference to this matter as an expert who has an expert knowledge of the Choctaw language? A No sir.

Examination by Mr. Harrison.

Q How long have you lived in the Choctaw Nation? A About nineteen years.

Q I present to you two names; please tell the Commission what, in your judgment, what language these names are? A These two names are just alike a great many other names--of course one couldn't x x

Q Is that Greek or Latin or what language? A That's the Choctaw language.

Q What names are these I show you on this piece of paper? A I would call the first name Che-ka-che-ke (this is the interpretation given in by the stenographer of the pronunciation of this name by witness). In learning this language I always learned what it meant in English. In English this would be "speckled"----the "shake" would be "big speckled".

Q What's the difference in the meaning of these two words in the Choctaw language? A I don't know that there would be any difference at all.

Q Isn't it a fact that two Choctaw words, meaning the same thing may be spelled a little differently and pronounced a little different and may mean the same identical thing? A And to the reverse they will spell the name just exactly alike and have two meanings--it is only by a gesture or motion that there may be a difference.

Q The question is--that two Choctaw names spelled a little differently and pronounced a little differently, yet may have the same identical meaning, isn't that common with the Choctaws? A Yes sir.

Q Is not this an instance of that kind? A I am of the opinion that this name was the same identical name but in putting it down was put down by different men.

Q Is it possible for different Choctaws, understanding the Choctaw language, to take these two names and spell them one a little different from the other? A In half half of the instances they will spell them different.

Q And these same instances the meaning be the same? A Yes sir.

Examination by the Commission:

Q You understand, do you not, that a Choctaw name may be made up of different syllables, each one meaning something, each one having a meaning? A Yes sir.

Q And that a Choctaw name is given to a person, to a man or woman, to denote some act of his or something he has done, or some manly

Alice Gardner, et al--8

quality or some womanly quality or some war-like quality? A Yes sir, mighty nigh every full blood Chectaw will have two names.

Q For-instance, one Chectaw would have a name "the man that kills with his knife", and those different subdivisions or syllables of the name would mean "kill" or "knife", etc? A Yes sir, that's a common thing. Pretty near all of the full blood Indians in the country will have what they call an Indian name and an English name.

Q Now, take the name Che-kach-you, what does "Che" mean? A Well, I don't know.

Q What does "kach" mean in English? A I understand from that language that that means speckled in English.

Q What does "you" mean? A I don't know whether I understand that or not.

Q You have no knowledge, then, in regard to that name; I will give you another name--do you know what "Che" means? A No sir.

Q What does "ka" mean? A I don't know that I understand that either.

Q What does "chyo" mean, if you should see that Chectaw name? A It means large.

Q It means "large", but you can't give the English meaning of the whole word "Che-kach-you"? A No sir, only what I have learned is from observing and being with them.

Q Then, how would you be able to say that the name Che-kach-you and Che-ka-chyo, being another name, mean the same thing? A They are so near the same and they are, the Indians are such they won't use the same spelling for one name.

Q If you understood the Chectaw language perfectly you could probably tell what each syllable meant and whether the other syllables were true syllables or false syllables? A Yes sir.

Q Not having sufficient knowledge of the language you can't, then, determine the meaning of the syllables? A No sir.

Examination by Mr. Harrison:

Q You knew that the word "chyo", as you state, means "large" or "big", and this "che-ka" means speckled and a combination of these syllables you say means big speckled? A Yes sir.

Q Is it not also a fact, Mr. Mitchell, that in the Chectaw language words are used, as these words are used, descriptive of color or condition? A They use that a good deal in description of colors.

Q Is it not a fact that the word speckled has reference to color? A Yes sir.

(Witness excused)

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 Muskogee, Indian Territory, May 17, 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 May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer

Notary Public.

COPY.

W. W.
C. W.

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

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

Alice Gardner, et al.,	M.C.R. 5874
Samuel H. Hunt, et al.,	M.C.R. 4702
William F. Hunt, et al.,	M.C.R. 4815
Hesekiah B. Hunt, et al.,	M.C.R. 4816
Virginia Jumper, et al.,	M.C.R. 4817
John W. Jumper, et al.,	M.C.R. 4818
Jennie I. Miller,	M.C.R. 5875
Cassie Bates, et al.,	M.C.R. 5876
Minnie Smith,	M.C.R. 5877
John H. Smith,	M.C.R. 5878
James G. Smith,	M.C.R. 5879
Nancy Yocum, et al.,	M.C.R. 5880
Philip Jumper, et al.,	M.C.R. 5893
William C. Furtick, et al.,	M.C.R. 5871
Tandy L. Caver,	M.C.R. 5872
Thomas S. Smith, et al.,	M.C.R. 5882
John E. Everett, et al.,	M.C.R. 5883
Ella Lewis, et al.,	M.C.R. 5884
Villie Drowry,	M.C.R. 5885
Charles J. Smith,	M.C.R. 5886
Mary Jones, et al.,	M.C.R. 5898
Will Yocum,	M.C.R. 5899
John Yocum,	M.C.R. 5900
William W. Furtick,	M.C.R. 6069
Jefferson D. Furtick, et al.,	M.C.R. 6070
Frank M. Furtick, et al.,	M.C.R. 6071
Ballie Dearing, et al.,	M.C.R. 6072
Elisa Michael, et al.,	M.C.R. 6073
William A. Jumper,	M.C.R. 6074
George A. Jumper, et al.,	M.C.R. 6075
James A. Yates, et al.,	M.C.R. 6076
Bill E. Yates, et al.,	M.C.R. 6077
Frank Jumper,	M.C.R. 6237
George Jumper, et al.,	M.C.R. 6236
Moses Jumper,	M.C.R. 6237
Bettie Chaves, et al.,	M.C.R. 6329
George A. Everett,	M.C.R. 6321

---: 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 Alice Gardner for herself and her four minor children, E. J., Jimmie, Albert and Charles F. Gardner; by Samuel H. Hunt for himself and his seven minor children, Oliver H., Henry D., Eddie F., Lelia H., Samuel D., Susan F. and Jessie Hunt; by William F. Hunt for himself and his minor child, Boyd E. Hunt; by Heskiah B. Hunt for himself and his four minor children, Josephine, Eliza V., Minnie F. and Eva B. Hunt; by Virginia Jumper for herself and her husband, Sam Jumper; by John W. Jumper for himself and his five minor children, Annie F., Dug, Hattie B., Dixon F. and James Levi Jumper; by Jennie I. Miller for herself; by Cassie Bates for herself, her four minor children, Archie Patten, Hester Patton, Bessie Bates and Alice Bates, and her two minor nephews, Jahnnie Bates and Eugene Bates; by Minnie Smith for herself; by John H. Smith for himself; by James G. Smith for himself; by Nancy Yocum for herself and her five minor children, Minnie, Clinton, Clifton, Pearlle and Ola Yocum; by Philip Jumper for himself and his three minor children, Katie, Mark and Marvin Jumper; by William C. Partick for himself and his four minor children, Clara, Sallie, Pat and Ruth Partick; by Tandy L. Caver for himself; by Thomas S. Smith for himself and his two minor children, Charlotte and Rosa Smith; by John E. Everett for himself, his minor child, Sherman L. and his minor brother, Frank G. Everett; by Nila Lewis for herself and her four minor children, Orra, Edwin C., Albie P. and Irvin A. Lewis; by Willie Drewry for herself; by Elizabeth Smith for her minor son

Charles J. Smith; by Mary Jones for herself and her two minor children, Quasia and Gracie Jones; by Will Yocum for himself; by John Yocum for himself; by William W. Furtick for himself; by Jefferson D. Furtick for himself and his three minor children, Jeffie, Emma L. and Eugenia Furtick; by Frank M. Furtick for himself, his two minor children, Frankie and Alice, and his minor niece, Louis Furtick; by Sallie Dearing for herself and her three minor children, Mary, Jim and Alexander B. Dearing; by Eliza Michael for herself and her five minor children, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter and Lula Michael; by William A. Jumper for himself; by George A. Jumper for himself and his five minor children, Pink, Ed, Minnie, Arthur and Sam Jumper; by James A. Yates for himself, his minor brother, Lonnie, and his minor sister, Hattie Frances Yates; by Bill E. Yates for himself; by Frank Jumper for himself; by George Jumper for himself and his four minor children, Ned, Ben, Dan and Harvey Jumper; by Moses Jumper for himself; by Bettie Cheves for herself and her five minor children, Mary, Hamilton, Lewis, Freddie and Johnnie Cheves, and by George A. Everett for himself, under the following provision of the act of Congress approved June 29, 1898 (30 Stats., 495):

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

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

of Che-ka-cho (or Jack Che-ka-cho, or Che-kach-you, or Chick-e-cho-o, or Chich-e-cho-o, or Chi-ka-cho, or Chi-ca-cho, or Fritz Sakles, or Sickles, or Sikkels) and Mary (or Martha) Che-ka-cho (or Che-kach-you, or Chick-e-cho-o, or Chich-e-cho-o, or Chi-ka-cho, or Chi-ca-cho, or Sakles, or Sickles, or Sikkels), who are alleged to have been full blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 Che-kach-you appears on page 80 of Volume 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, as a childless reserve, in a list of claimants in Colonel George W. Martin's register, under the fourteenth article of the treaty of "Dancing Rabbit Creek", said name having been listed October 21, 1835; but it does not appear from the evidence submitted by the several applicants herein that the Che-ka-cho (variously spelled), through whom they claim, is the identical Che-kach-you whose name appears in the record above cited; in fact said evidence would tend to show that it is not the same person, as the one through whom the applicants claim is shown to have been the parent of three children at the date of the treaty, while the entry in the record cited shows the Che-kach-you, whose name appears therein, to

have been childless in 1835.

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 Che-ka-chyo (or Jack Che-ka-chyo or Che-kach-you, or Chick-e-che-o, or Chieh-e-che-o, or Chi-ka-chyo, or Chi-ca-chio, or Fritz Sakles, or Sickles, or Sickels) or Mary (or Martha) Che-ka-chyo (or Che-kach-you, or Chick-e-che-o, or Chieh-e-che-o, or Chi-ka-chyo, or Chi-ca-chio, or Sakles, or Sickles, or Sickels), through whom the applicants claim, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patten, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith,

Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tamc Dixie

Acting Chairman

T. B. Needles

Commissioner

C. R. Breckinridge

Commodore

Muskogee, Indian Territory

JAN 5 1903

Muskogee, Indian Territory, August 28, 1902.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 25th inst., enclosing the affidavit of Alice Gardner, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes, wherein she sets forth her reasons for desiring to have the depositions of Marion Kitchens, John L. Aldridge and Margaret Cooper taken in support of her said application, also a copy of the interrogatories to be propounded to said witnesses, and the notice to take said depositions, service of which has been accepted by Messrs. Mansfield, Murray & Gornish, the attorneys for the Choctaw and Chickasaw Nations.

These documents are returned to you for the reason that they are not in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is herewith enclosed you and your attention is specially invited to section B of Rule 2, which requires that a copy

of the interrogatories be served on the attorneys for the Cheataw and Chickasaw Nations;

It appears that service of a notice to take these depositions has been accepted by the attorneys for the Cheataw and Chickasaw Nations, but not the service of a copy of the interrogatories to be propounded to the witnesses.

In addition to the above irregularities, it is noted that there is only one set of interrogatories which are to be propounded to the three witnesses. It is required, when an applicant desires to take the depositions of several witnesses, that said interrogatories be prepared for each one separately, as a separate commission is issued for the taking of each deposition. It will therefore be necessary that two additional copies of the interrogatories which you desire to have propounded to these witnesses, be filed with the Commission, and that one copy thereof be served on the attorneys for the Cheataw and Chickasaw Nations.

Yours truly,

Acting Chairman

Enclosure
C.N. 178

Rules and Regulations

M.C.R. 8574

Muskogee, Indian Territory, Sept. 18, 1908.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:-

Enclosed please find a commission to take the deposition of J. L. Aldridge, to be read in evidence in the application of Alice Gardner, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said Commission are direct and cross interrogatories and blank caption and certificate.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this Commission in order that the application in which they apply may be brought to a final determination at an early date.

Yours truly,

Acting Chairman

Enclosure
G.H. 78

COPY

M.C.R. 5574

Muskogee, Indian Territory, January 5, 1903.

Alice Gardner,

Shawnee, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocom, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5595
William G. Partick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocom	M.C.R. 5899
John Yocom	M.C.R. 5900
William W. Partick	M.C.R. 6069
Jefferson D. Partick, et al.	M.C.R. 6070

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6230
George A. Everett	M.C.R. 6321

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie P. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie P. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon P. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick,

Alice Gardner, ---3

Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffrie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Tommy Taylor

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 5, 1903.

Thomas & Harrison,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel R. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4812
Hezekiah H. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Wancy Youns, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William G. Furtick, et al.	M.C.R. 5571
Zaddy L. Sawyer	M.C.R. 5572
Thomas S. Smith, et al.	M.C.R. 5582
John B. Everett, et al.	M.C.R. 5585
Ella Lewis, et al.	M.C.R. 5584
Willie Droway	M.C.R. 5588
Charles J. Smith	M.C.R. 5586
Mary Jumper, et al.	M.C.R. 5589
Will Youns	M.C.R. 5590
John Youns	M.C.R. 5900
William V. Furtick	M.C.R. 6068
Jefferson D. Furtick, et al.	M.C.R. 6070

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Elisa Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5887
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hettie Cheves, et al.	M.C.R. 6380
George A. Everett	M.C.R. 6381

These applications were made under the provision of the act of Congress of June 26, 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 Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel E. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heskiah S. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie P. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie P. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick,

Thomas & Harrison,--3

Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas W. Smith, Charlotte Smith, Hona Smith, John E. Everett, Sherman L. Everett, Frank G. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Hones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffrie Furtick, Emma L. Furtick, Eugenia Furtick, Frank W. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander E. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Sheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that 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,

WITNESSE

Tams Pixby.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, January 5, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	N.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5581
William G. Furtick, et al.	M.C.R. 5571
Tandy L. Gaver	M.C.R. 5573
Thomas S. Smith, et al.	M.C.R. 5582
John E. Everett, et al.	M.C.R. 5585
Ella Lewis, et al.	M.C.R. 5584
Willie Drowry	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Nary Jones, et al.	M.C.R. 5588
Will Yocum	M.C.R. 5589
John Yocum	M.C.R. 5590

William W. Furtick	H.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070
Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6336
Moses Jumper	M.C.R. 6337
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1908 (35 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 Alice Gardner, E. J. Gardner, Fannie Gardner, Albert Gardner, Charles F. Gardner, Samuel E. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie P. Hunt, Lolla E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heskiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Arnie F. Jumper, Bug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Aline Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlis Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick, Sallie Furtick, Pat Furtick, Ruth Furtick, Fandy L. Gaver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Alis P. Lewis, Irvin A. Lewis, Willie Mewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William V. Furtick, Jefferson D. Furtick, Jettie Furtick, Hava L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing,

Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Louie Yates, Mattie Frances Yates, Bill B. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Tams Bixby.
Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 15th inst., relative to the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Alice Gardner, et al. You state that the letter of the Commission dated January 5, 1903, notifying you of such decision was delayed in delivery and was not received by you until the 12th inst; that the record in the case is voluminous containing about 500 pages, and that it will be necessary for you to carefully examine the record in the preparation of your argument, and that it is impossible for you to prepare such argument within the fifteen days allowed for that purpose; in conclusion you ask that an extension of thirty days be allowed you within which to file a brief in the case.

In compliance with your request you are hereby notified that you will be allowed thirty days from the date hereof within which to submit an argument in this case to be forwarded, together

Thomas S. Harrison--

with the record, to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alice Gardner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 5, 1903.

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

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hesekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5581
William G. Furtick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5888
Will Yocum	M.C.R. 5889
John Yocum	M.C.R. 5890

Hon. Sec. Int., --2

William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070
Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Elisa Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

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,

(SIGNET)

Tams Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5574

X O R 5574

Muskogee, Indian Territory, March 5, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th ultimo, in which you ask that you be granted a further extension of time within which to file arguments in the consolidated Mississippi Choctaw case of Alice Gardner, et al.

In reply to your letter you are informed that the fifteen days from January 8, 1903, granted the applicants in this case in which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, was, upon written request made by you under date of January 15, 1903, extended until February 17, 1903. On February 18, 1903, no argument having been submitted, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

You are further advised that the time allowed 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 any arguments offered for filing under this rule do not receive the consideration of the Commission but are transmitted with the

T & H 2

record to be considered by the Secretary of the Interior in connection with the record forwarded him. The Commission could not, therefore, comply with your request for a further holding of the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Alice Gardner, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on February 18, 1903, transmitted to the Department.

On May 8, 1903, the Commission received, by reference from your office, a statement made by Alice Gardner in support of her claim for identification as a Mississippi Choctaw. The same is herewith transmitted.

Respectfully,

Commissioner in Charge.

McK II

M C R 8874

Muskogee, Indian Territory, March 9, 1906.

Alice Gardner,
#410 S. Bell St.,
Shawnee, Oklahoma.

Dear Madam:

Replying to your letters of February 21, 1906, addressed to the Secretary of the Interior, and March 6th to this office, you are informed that your right to identification as a Mississippi Choctaw has not yet been determined by the Secretary of the Interior, and your name therefore does not appear upon the approved roll of Mississippi Choctaws.

Respectfully,

Acting Commissioner.

M C R 5574

Muskogee, Indian Territory, July 5, 1906.

Alice Gardner,
Sulphur, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st ultimo, requesting to be advised as to what disposition has been made of your Mississippi Choctaw application.

In reply you are informed that on February 18, 1903, the record in your case, together with the decision of the Commission to the Five Civilized Tribes refusing to identify you and the several other persons included therein as Mississippi Choctaws, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs, since which time this office has not been notified of any Departmental action thereon.

It is probable that the record in your case is now in the office of the Commissioner of Indian Affairs, Washington, D.C.

Respectfully,

Commissioner.

M C R 5574

Muskogee, Indian Territory, September 5, 1906.

Alice Gardner,

Sulphur, Indian Territory.

Dear Madam:

Replying to your letter of the 31st ultimo, you are advised that the Choctaw and Chickasaw land offices have this date been instructed to permit you, in person or by petition, to indicate such lands as you and your children anticipate selecting in allotment in the event that you are finally identified as Mississippi Choctaws.

Respectfully,

Acting Commissioner.

M C R 5574

Muskogee, Indian Territory, September 5, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of a letter from Alice Gardner, of Sulphur, Indian Territory, requesting that she be allowed to designate the prospective allotments of herself and her family.

You are informed it appears from the records of this office that on May 16, 1902, Alice Gardner made application to the Commission to the Five Civilized Tribes for the identification of herself and her minor children, E. J., Jimmie and Albert Gardner as Mississippi Choctaws.

January 5, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing said application, and on February 18, 1903, forwarded the record in the case, together with said decision, to the Department.

As it does not appear that any action has as yet been taken by the Department upon the application of Alice Gardner, et al., you are hereby directed to permit her and the members of her family, in person or by petition, to designate their prospective allotments.

In this matter you should follow the instructions con-

Chickasaw Land Office. 2

tained in General Office letter of even date relative to permitting undetermined Mississippi Choctaw applicants to indicate such lands as they anticipate taking as their allotments in the event they are finally identified.

Respectfully,

Acting Commissioner.

M C R 5574

Muskogee, Indian Territory, September 5, 1906.

Chief Clerk,

Chooctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

This office is in receipt of a letter from Alice Gardner, of Sulphur, Indian Territory, requesting that she be allowed to designate the prospective allotments of herself and family.

You are informed it appears from the records of this office that on May 16, 1902, Alice Gardner made application to the Commission to the Five Civilized Tribes for the identification of herself and her minor children, E. J., Jimmie and Albert Gardner as Mississippi Chooctaws.

January 5, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing said application, and on February 18, 1903, forwarded the record in the case, together with said decision, to the Department.

As it does not appear that any action has as yet been taken by the Department upon the application of Alice Gardner, et al., you are hereby directed to permit her and the members of her family who are applicants for identification as Mississippi Chooctaws, in person or by petition, to designate their prospective allotments.

In this matter you should follow the instructions con-

Choctaw Land Office No. 2.

tained in General Office letter of even date relative to permitting undetermined Mississippi Choctaws to indicate such lands as they anticipate taking as their allotments in the event that they are finally identified.

Respectfully,

Acting Commissioner.

M.C.R. 5574.

Muskegee, Indian Territory, September 26, 1906.

Chief Clerk,

Choctaw Land Office,

Ateka, Indian Territory.

Dear Sir:

You are hereby directed to permit any or all of the following person, applicants in the consolidated Mississippi Choctaw case of Alice Gardner, et al., which is now pending before the Department, to designate their prospective allotments, under instructions heretofore furnished your office relative to cases of this character:

Alice Gardner
Jimmie Gardner
Charles F. Gardner
Oliver R. Hunt
Eddie F. Hunt
Samuel D. Hunt
Jessie Hunt
Boyd E. Hunt
Josephine Hunt
Minnie F. Hunt
Virginia Jumper
John W. Jumper
Dug Jumper
Dixen F. Jumper
Jennie I. Miller
Archie Patten
Bessie Bates
Johnnie Bates
Minnie Smith
James G. Smith

B. J. Gardner
Albert Gardner
Samuel H. Hunt
Henry D. Hunt
Lelia E. Hunt
Susan F. Hunt
William F. Hunt
Hesekiah B. Hunt
Elisa V. Hunt
Eva E. Hunt
Sam Jumper
Annie F. Jumper
Hattie B. Jumper
James Levi Jumper
Cassie Bates
Hester Patton
Alice Bates
Auguste Bates
John M. Smith
Nancy Yocum

Choctaw L. O. - 2.

Minnie Yocum
Clifton Yocum
Ola Yocum
Katie Jumper
Marvin Jumper
Clara Furtick
Pet Furtick
Tandy L. Caver
Charlotte Smith
John E. Everett
Frank C. Everett
Orra Lewis
Altie P. Lewis
Willie Drewry
Mary Jones
Gracie Jones
John Yocum
Jefferson D. Furtick
Emma L. Furtick
Frank M. Furtick
Alice Furtick
Sallie Dearing
Jim Dearing
Eliza Michael
James Carpenter
Dollie Lee Carpenter
William A. Jumper
Pink Jumper
Minnie Jumper
Sam Jumper
Lonnie Yates
Bill E. Yates
George Jumper
Ben Jumper
Harvey Jumper
Bettie Cheves
Hamilton Cheves
Freddie Cheves
George A. Everett

Clinton Yocum
Pearlie Yocum
Philip Jumper
Mark Jumper
William C. Furtick
Sallie Furtick
Ruth Furtick
Thomas S. Smith
Wona Smith
Sherman L. Everett
Ella Lewis
Edwin C. Lewis
Irvin A. Lewis
Charles J. Smith
Gussie Jones
Will Yocum
William W. Furtick
Jeffie Furtick
Eugenia Furtick
Frankie Furtick
Louis Furtick
Mary Dearing
Alexander E. Dearing
Andrew Carpenter
Ollie Carpenter
Lula Michael
George A. Jumper
Ed Jumper
Arthur Jumper
James A. Yates
Hattie Frances Yates
Frank Jumper
Ned Jumper
Dan Jumper
Moses Jumper
Mary Cheves
Lewis Cheves
Johnnie Cheves

Respectfully,

Commissioner.

M. C. R. 5574.

Muskogee, Indian Territory, September 26, 1906.

Alice Gardner,

Sulphur, Indian Territory.

Dear Madam:

Replying to your letter of the 12th instant, relative to the right of your husband, Eli J. Gardner, to designate his prospective allotment as an intermarried Mississippi Choctaw, you are informed that this office knows of no law guaranteing the rights of citizenship to any person by reason of their intermarriage with a Mississippi Choctaw.

Respectfully,

Commissioner.

MCR-5574.

Muskogee, Indian Territory, October 1, 1906.

Alice Gardner,

Sulphur, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th instant stating that when the Commissioner notified the land offices to permit yourself and children to select land the name of your minor child, Charles F. Gardner, was omitted from the list.

In reply to your letter you are advised that it does not appear from the records of this office that any application has ever been submitted on behalf of Charles F. Gardner for identification as a Mississippi Choctaw, and there is now no authority of law for the reception of such applications. Therefore no action can be taken relative to allowing you to designate the prospective allotment in the name of this child.

Respectfully,

Commissioner.

MCR 5574-
4818.

Muskogee, Indian Territory, December 17, 1906.

J. M. Jumper,

Plumerville, Arkansas.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request to be advised if you can have land set aside for you as your prospective allotment.

In reply, you are informed that the records of this office show that a number of persons by the name of Jumper are applicants for identification as Mississippi Choctaws in the consolidated case of Alice Gardner, et al, but the records do not show that any person by the name of J. M. Jumper is an applicant for such identification.

If you have heretofore made application for identification as a Mississippi Choctaw, you should furnish this office with such information as may be in your possession which will assist in locating your name upon its records.

Respectfully,

Commissioner.

W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.6-2704

January 3, 1907.

LRS.

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

Sir:

The Department is in receipt of your telegram, dated December 31, 1906, stating--

"Thirty three applications pending before this office for enrollment of children of applicants in Mississippi Choctaw cases of Alberta W. Ganes Alice Gardner Samuel B Gee Sally Berry man Mary F Crunk and Richard Hagar now pending before department important that these cases receive immediate consideration in order that applications of children may be disposed of."

The Department has advised the Assistant Attorney-General of the statement made by you and urged him to render an opinion speedily upon the Gee case, which is pending before him.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

(COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 1, 1907.

Land.
12831-1903
31578- "
64093-1904
36942-1905
31283-1906
68177- "

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commission to the Five Civilized Tribes, in the matter of the application of Alice Gardner for the identification of herself and her four minor children, E. J., Jimmie, Albert and Charles F. Gardner; by Samuel H. Hunt for himself and his seven minor children Oliver R., Henry D., Eddie F., Lelia E., Samuel D., Susan P. and Jessie Hunt; by William F. Hunt for himself and his minor child, Boyd H. Hunt; by Hezekiah B. Hunt for himself and his four minor children, Josephine, Eliza V., Minnie P. and Eva B. Hunt; by Virginia Jumper for herself and her husband, Sam Jumper; by John W. Jumper for himself and his five minor children, Annie F., Dug, Hattie B., Diana P. and James Levi Jumper; by Jennie I. Miller for herself; by Cassie Bates for herself, her four minor children, Archie Patton, Hester Patton, Bessie Bates and Alice

Bates, and her two minor nephews, Johnnie Bates and Eugene Bates; by Minnie Smith for herself; by John M. Smith for himself; by James G. Smith for himself; by Nancy Yocum for herself and her five minor children, Minnie, Clinton, Clifton, Pearlis and Ola Yocum; by Philip Jumper for himself and his three minor children, Katie, Mark and Marvin Jumper; by William C. Furtick for himself and his four minor children, Clara, Sallie, Pet and Ruth Furtick; by Tandy L. Caver for himself; by Thomas S. Smith for himself and his two minor children, Charlette and Nona Smith; by John W. Everett for himself, his minor child, Sherman L. and his minor brother, Frank C. Everett; by Ella Lewis for herself and her four minor children, Orra, Edwin G., Altie P. and Irvin A. Lewis; by Willie Drewry for herself; by Elizabeth Smith for her minor son Charles J. Smith; by Mary Jones for herself and her two minor children, Gussie and Gracie Jones; by Will Yocum for himself; by John Yocum for himself; by William W. Furtick for himself; by Jefferson D. Furtick for himself and his three minor children, Jeffie, Emma L. and Eugenia Furtick; by Frank M. Furtick for himself, his two minor children, Frankie and Alice, and his minor niece, Louis Furtick; by Sallie Dearing for herself and her three minor children, Mary, Jim and Alexander B. Dearing; by Eliza Michael for herself and her five minor children, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter and Lula Michael; by William A. Jumper for himself; by George A. Jumper for himself and his

five minor children, Pink, Ed, Minnie, Arthur and Sam Jumper; by James A. Yates for himself, his minor brother, Lennie; and his minor sister Hattie Frances Yates; by Bill E. Yates for himself; by Frank Jumper for himself; by George Jumper for himself and his four minor children, Ned, Ben, Dan and Harvey Jumper; by Moses Jumper for himself; by Bettie Cheves for herself and her five minor children, Mary, Hamilton, Lewis, Freddie and Jehnnie Cheves, and by George A. Everett for himself, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on January 5, 1903.

The Commission found from the record that the applicants based their claims to a right to identification as Mississippi Choctaws on their descent from Che-ka-chye (or Jack Che-ka-chye, or Che-kach-you, or Chick-e-che-e, or Chieh-e-che-e, or Chi-ka-chye- or Chi-ca-chie, or Fritz Sakles, or Siekles, or Sikkels) and Mary (or Martha) Che-ka-chye (or Che-kach-you, or Chick-e-che-e, or Chieh-e-che-e, or Chi-ka-chye, or Chi-ca-chie- or Sakles, or Siekles, or Sikkels), who are alleged to have been full-blood Choctaw Indians, and to have resided in Mississippi in 1830.

The Commission also found that the name of Che-kach-you appears on page 80 of volume 1 of the printed record in the case of the Choctaw Nation against the United States in the Court of Claims, as a childless reservee in a list of claimants on George W. Martin's Register, under the 14th article of the Choctaw treaty of 1830, the name having been listed October 21, 1835, but that it does not appear from the evidence submitted

by the applicants that Che-ka-ehye, through whom they claim, is the identical Che-kach-you whose name appears in the record cited, but that the evidence would tend to show that this is not the same person as the ancestor through whom the applicants claim, because he is shown to have been the parent of three children at the date of the treaty, which fact is in conflict with the status of Che-kach-you as given in Martin's Register.

Based on its findings the commission determined that the applicants were not entitled to identification as Mississippi Choctaws, and accordingly rejected them.

T The register of George W. Martin shows that Che-kach-you, a citizen of the Choctaw Nation in Mississippi, who resided on Section 16, T. 26 N., R. 5 W., within the present county of Coahoma, Mississippi, was a claimant for land under the provisions of the 14th article of the Choctaw treaty. The section named was set aside and withheld from sale in his behalf. It is still shown on the books of the General Land Office as being^{held} as the reserve of Che-kach-you. The records of the Office do not show that any proof was ever submitted to a representative of the Government tending to show that Che-kach-you continued to reside on Section 16, T. 26 N., R., 5 W. for the full period of five years, in accordance with the requirements of the 14th article, or that he was driven therefrom by white men, or that the Government, ignoring his rights, sold the land. In fact the appearance of his name on Martin's

Register is the only mention of his name that the Office records contain so far as an investigation which has been made in connection with this case has disclosed. After Martin's Register was completed and submitted to the Government, A. V. Brown was appointed a commissioner in behalf of the United States and sent to the Choctaw country in Mississippi and Alabama to take proof of the claims of reservees under the various articles of the Choctaw treaty of 1830, including the 14th article and the supplementary articles to the treaty. Mr. Brown visited various parts of the Choctaw country and took proof concerning the claims. After a time, Mr. Brown resigned and A. A. Kincannon was appointed in his stead and proceeded with the work which had been placed in the hands of Brown. The Office has in its possession the reports of Messrs. Brown and Kincannon and it is not disclosed by these papers that Chokash-you, or any one representing him, ever appeared before these commissioners to make proof of his claims.

In 1838 an act was passed providing for the creation of a commission to visit the Choctaw country in Mississippi and Alabama to take evidence and report its findings concerning the claims of applicants for land under the provisions of the 14th article. The commission appointed under this act consisted of James Murray, Peter D. Vroom and P.R.R. Fray. Fray failed to act with the commission and it became generally known under the name of Murray and Vroom, commissioners. They visited the

various parts of the old Choctaw country, inviting all who claimed a right to lands, or to have been deprived of their rights through the fault of the representatives of the Government or through violations of law or misconduct on the part of white men, to appear before them to make proof of such claims. The records of the Office show that Che-kach-you did not appear before this commission, or any one representing him. In 1842 another act was passed by Congress creating a commission to complete the work left undone by Murray and Vroom. Under the authority of this act of Congress there was appointed a commission composed of J. F. H. Claiborne, Ralph Graves and William Tyler. Tyler was not an active member of the commission and the work was carried forward under Claiborne and Graves. Dissensions arising between these two commissioners, both were removed and in their stead were substituted George S. Gaines and Samuel Rush. This commission became known as Tyler, Gaines and Rush. They sat in the old Choctaw country in Mississippi and Alabama during the years 1843 and 1844, soliciting all members of the Choctaw tribe who claimed rights under the 14th article to appear before them and present their proof. Che-kach-you did not appear before this commission, nor did any one in his behalf.

It was the duty of Che-kach-you to remain on the land selected by him for a period of five years. It was also his duty to bring to the attention of the representatives of the Government the fact, if it were a fact, that he did com-

ply with this provision of the 14th article.

As has been suggested in this letter, after he made known to George W. Martin the description of the land he proposed to take, he disappeared from view so far as the records of the Government are concerned and if he continued to reside on the land for five years he never made proof of that fact and was never awarded the land. Therefore he was not a beneficiary under the provisions of the 14th article.

A question arises as to whether he in fact attempted to comply fully with the requirements of the article in that regard or was defeated in his endeavors by circumstances over which he had no control. Martin's Register shows that at the time the claim of Che-kach-you was brought to Martin's attention, he had assigned his claim to John B. Davis, who was the assignee in a large number of other claims. It is altogether likely that John B. Davis appeared before Martin in behalf of the claim rather than the Indian himself. As throwing light on that question, the records of the Office show that Chear-chye, with his family of three persons, was transported to the Choctaw country west and arrived there on February 13, 1834. This name is the nearest in appearance and sound to that of Che-kach-you of any name otherwise appearing in the records of the Office. Many of the Choctaws became discouraged through the delay of the Government in preparing schedules of the lands claimed by them, and so many were driven from their lands by

white men as to discourage all or nearly all, and many who had previously determined to remain in the country east of the Mississippi through their discouragement determined to go to the Choctaw country west and did in fact remove at their own expense or accepted transportation by the Government of the United States. It is possible that Che-kach-yu, the resident of Section 16, T. 26 N., R. 5 W., was one of these.

An examination of the records of the Office has been made concerning the other ancestor, Mary or Martha Che-kach-yu and for the name of Frits Sakles or Siskles, but neither of these names has been discovered on any of the records concerning the applicants for lands under the Choctaw treaty.

It being shown that the ancestor, or a person having a name similar to that of the ancestor, claimed under in this case, was never recognized by the Government as having fulfilled the conditions precedent to receiving a grant of land under the provisions of the 14th article, or scrip in lieu thereof, the question of the descent of the applicants herein from the Indian whose name appears on Martin's Register is purely academic. In other words, it makes no difference in the determination of this case, whether they are or are not his descendants. It is therefore the opinion of the Office that these applicants are not entitled to identification as Mississippi Choctaws and I recommend that the decision of the Commission be approved.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

KRH-Y.

W.H.M.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.2214-1907.

February 15, 1907.

L.R.S.

DIRECT.

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

Sir:

In accordance with the recommendation of the Indian Office of February 1, 1907 (Land 60177-1906), copy whereof is enclosed for your information, the decision of the Commission to the Five Civilized Tribes, dated January 5, 1903, refusing to identify, as Mississippi-Choctaws, the applicants named in said decision in the consolidated applications of Alice Gardner, et al., is hereby affirmed.

You will advise applicants, and their attorneys, of this action.

The record in the case, together with a carbon copy hereof, is forwarded for the files of the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 enclosures, and
6 enclosures to Ind. Of.

APMc
2-16-07

MCR-8574

Muskogee, Indian Territory, February 28, 1907.

Alice Gardner,
Shawnee, Oklahoma.

Dear Madam:-

There is enclosed herewith copy of Departmental letter of February 15, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 1, 1907, affirming the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

WLM.
Encl. 29/1

Commissioner.

MCR-5574.

Muskogee, Indian Territory, February 20, 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 15, 1907 (I T D 2214-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 1, 1907 (Land 12831,31578-1903,64093-1904,36942-1905, 31253,60177-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

WLM.
Encl. 29/2

Commissioner.

MCR-5574

Muskogee, Indian Territory, February 28, 1907.

John R. Thomas,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 15, 1907 (I T D 2214-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 1, 1907 (Land 12831,31578-1903,64093-1904,36942-1905, 31253,60177-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

WLM.
Encl. 28/3

Commissioner.

MOR-5574

Muskogee, Indian Territory, March 2, 1907.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:-

Referring to General Office letter of September 26, 1906, in the matter of the consolidated Mississippi Choctaw case of Alice Gardner et al., directing you to permit any or all of the applicants named therein to designate their prospective allotments, you are advised that on February 15, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

MUR-5574

Muskogee, Indian Territory, March 2, 1907.

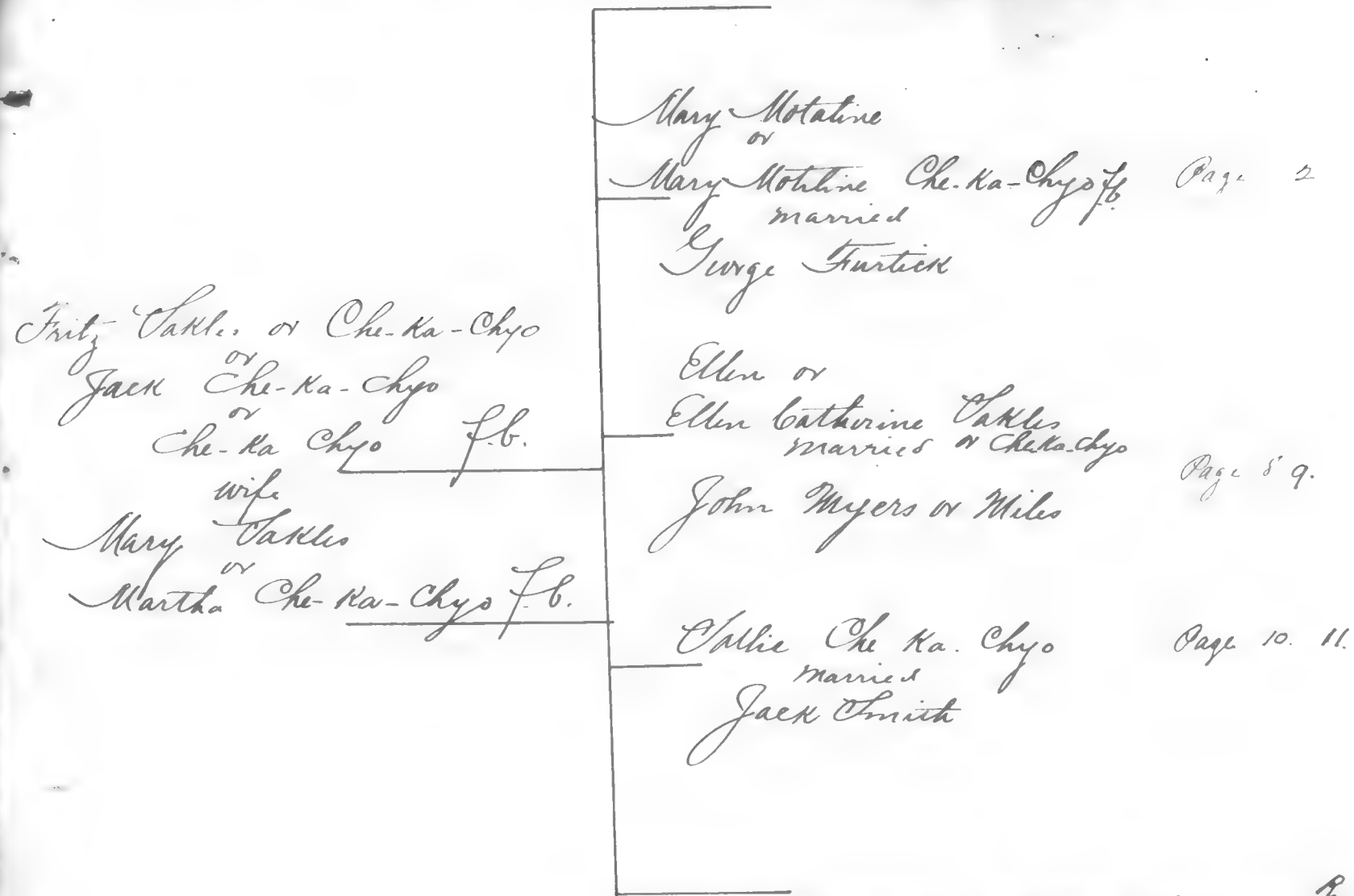
Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:-

Referring to General Office letter of September 26, 1906, in the matter of the consolidated Mississippi Choctaw case of Alice Gardner et al., directing you to permit any or all of the applicants named therein to designate their prospective allotments, you are advised that on February 15, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1905, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.



Applicants in miss Choc case ^R 5581 Margaret Hunt et al
(Consolidated) attempt to connect with the common ancestor in
this case. It is suggested to "traced" at the same time

Henry Furtick Sr
wif
Caroline Furtick Sr

Page 3. 4.

Louis Furtick

William Furtick

David Furtick

Marrist Furtick
married
Crum

Rachel Furtick
married
Rucker

Margaret Furtick
married
Williams

Elizabeth Furtick
married
Samuel Jumper

Page 5. 6. 7.

Mary Notaline or
Mary Notline Ch. Ka. Chgo
married
George Furtick

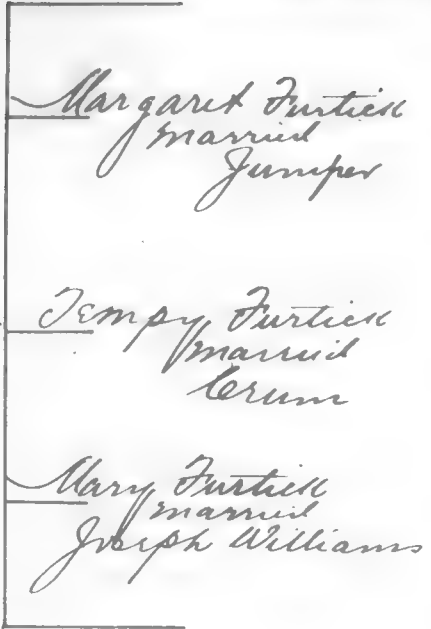
<p>mb R 577</p> <p>William C. Furtick 41/4 wife Alice J. Furtick</p>	<p>mb R 581</p> <p>Clara Furtick 10 " Callie Furtick 8 " Pet Furtick 5 " Ruth Furtick 4</p>
<p>mb R 6070</p> <p>Jefferson D. Furtick 40/8 wife Lucy Furtick</p>	<p>mb R 6070</p> <p>Jeffie Furtick 11 " Emma L. Furtick 10 " Eugenia Furtick 5</p>
<p>mb R 6071</p> <p>Frank M. Furtick 36/8 wife Mollie Furtick</p>	<p>mb R 6071</p> <p>Francis Furtick 2 " Alice Furtick 10m</p>
<p>mb R 6072</p> <p>Charles Furtick 30/8 married Alexander Wearing</p>	<p>mb R 6072</p> <p>Louis Furtick " Mary Wearing 11 " John Wearing 9 " Alexander B. Wearing 5</p>
<p>mb R 6073</p> <p>Bethie Furtick 34? married J. W. Cheves</p>	<p>mb R 6073</p> <p>Mary Cheves 17 Hamilton Cheves 15 Lewis Cheves 13 Ineddie Cheves 8 Johnnie Cheves 6</p>

Henry Furtick
wife
Caroline Furtick
Died

mb R
6069

William W. Furtick 71/4
wife
1st Eliza Furtick, died
2^d Mrs C. Furtick

Ewin Furtick
Jacob Furtick



Henry Furtick,
wife
Caroline Furtick
deceased

Sam Jumper
married
Virginia Hunt
(Loving)

Ch. m. R. 4817
Virginia Hunt et al

Mollie Jumper
married
Carpenter

Eliza Jane Jumper
married
Thornton

Melissa Jumper
married
Thornton

Lula Jumper
married
Bryant

no R
5587
Irons Jumper 25-

no R
5593
Katie Jumper 19

"
" Mars Jumper 18

"
" Marvin Jumper 16

no R
5593

Phillip Jumper 59-

wife
1st Margaret Jumper 21-11

2nd Margaret Jumper

Wm Jumper

no R
6074

William A. Jumper 51-8

wife
Mollie Jumper

no R
6072

Eliza Jumper 28-16

married
1st Arthur Carpenter

2nd Joseph Michal

no R
6073

Andrew Carpenter 10

" James Carpenter 8

" Allie Carpenter 6

" Soliel Carpenter 3

" Lula Michal 2m

no R
6076

James A. Yates 35-

wife
Anna Tucker Yates

no R
6077

Bill E. Yates 21-16

no R
6076

Lonnie Yates 10

" Kathie E. Yates 8

Mary Jumper

married
Wardin Yates

Elizabeth Furtick
married
Samuel Jumper

James Jumper
married
Eliza James

Elizabeth Furtick
married
Clamuel Jumper
Levit!

James Jumper
married
Eliza James

mlb R
5580

Nancy Jumper 47 -
married
Frank Yocum

mlb R
6075

George A. Jumper 45 1/8
wife
Mary Jumper

Bethie Jumper
married
English

Jane Jumper
married
Yocum

Chip Jumper

mlb R
5581 Will Yocum 28 -
wife

Dora Yocum

mlb R
5588

Mary Yocum 23 -
married

Henry Jones

mlb R
5900

John Yocum 20
wife

Frances Yocum

mlb R
5589

Minnie Yocum 19

" Clinton Yocum 12

" Clayton Yocum 10

" Pearlie Yocum 7

" Ola Yocum 5

mlb R
6075

Pink Jumper 20

" Ed Jumper 18

" Minnie Jumper 14

" Arthur Jumper 10

" Sam Jumper 7

Gracie Jones 3
Gracie Jones 5m

Elizabeth Furtick
married
Samuel Jumper
1845

Richard Jumper
married
Caver

H.D. Caver Dea
married
A.E. Story

Richard Caver
Arch Caver
William Caver

60R 5813	Jandy L Caver 22/16
	Jeff Caver
	Howard Caver
	Sula Caver
	Ida Caver

John Jumper, slave
wife
Name not given, slave

Ned Jumper
wife
Jane Jumper, dead
slave

George Jumper 41 3/8
wife
Dora Jumper, neg.
Moses Jumper - 39 1/2 (P)
wife
Annie Jumper
neg + mch

Ned Jumper 19
Ben Jumper 17
Dan Jumper 15
Harvey Jumper 12

6236

6236

6231

Ellen or
Ellen Catherine Calkins
or Che Ka Chyo
married
John Myers or Miles

Mattie Myers or Miles
married
Hanson Hunt

^{mlb R}
^{#817}
Virginia Hunt 50 1/4
married

- x Sam Jumper
- x claims for bus
- x see page 5

^{mlb R}
^{#818}
John W Jumper 33 1/4
wife
1st Mary Jumper Deane
2nd Mineta Jumper

^{mlb R}
^{#818}
Annie F
Mary Jumper 12
" Roy Jumper 6
" Mattie B. Jumper 4
" Dixon F. Jumper 2
" James Levi Jumper 10K

Annie Jumper
married
Green

Douglas Jumper

^{mlb R}
^{#816}
Myrtland B. Hunt 46 1/4
wife
Elizabeth F. Hunt

^{mlb R}
^{#816}
William F. Hunt 25 1/2
wife
Mary Hunt

^{mlb R}
^{#816}
Roy Hunt 15 m

Annie Hunt
married
Brooks
Larissa F. Hunt
married
Brooks

^{mlb R}
^{#816}
Josephine Hunt 19
" Eliza V Hunt 17
" Minnie F. Hunt 13
" Eva F. Hunt 4

John A. Hunt

Ellen or
Ellen Catherine Tuller
or Cle. K. Chy
married
John Myers or Miles

Katie Myerson Miles
married
Stinson Hunt

4702
mlb
#817

Samuel Hunt 36 1/4
wife
Caroline Hunt

Oliver P. Hunt	12
Henry D. Hunt	11
Eddie J. Hunt	9
Lelia E. Hunt	7
Samuel D. Hunt	5
Susan J. Hunt	3

Julia Hunt
married
Alexander

Louisa Hunt
married
Blagg

Jack Wyndam
Sam Wyndam
"Descendants of Katie Hunt's Sisters"

Charlie Cleckley-Chapman
married
Jack Smith

x Charles C. Smith
wife
x Elizabeth Smith

x Evidence shows two daughters named Mary Smith

x Mary Smith Diaz married Thomas Everett	m/b R 5886 John E. Everett 25 - wife	m/b R 5883 Sherman & Everett 4 m
m/b R 5885 Jennie J. Smith 38 - married Napoleon B. Miller	m/b R 5883 Effie Everett Frank B. Everett 20 - m/b R 5882 George A. Everett 22	
m/b R 5884 Ella Smith 34 - married W. J. Lewis	m/b R 5885 Willie Lewis 17 - married J. A. Henry m/b R 5884 Ora Lewis 15 Edwin C. Lewis 14 Allie P. Lewis 11 Irwin A. Lewis 9	
m/b R 5894 Alice Smith 31 - married Ed. J. Gardner	m/b R 5894 E. J. Gardner 9 Jimmie Gardner 7 Albert Gardner 5	
m/b R 5892 Thomas J. Smith 28 - wife Mattie Smith	m/b R 5892 Charlotte Smith 7 " Mena Smith 4	
x Mary Smith Diaz married John M. Bates	m/b R 5896 Johnnie Bates 8 " Eugene Bates 7	
m/b R 5896 Cassie Smith 26 - married 1 st James Patton divorced 2 nd John M. Bates	m/b R 5896 Archie Patton 9 " Hester Patton 7 " Berrie Bates 2 " Alice Bates 3	

Consolidated
MER 5574
Ahu Gardner del

Age Sex Year COUNTY

TRIBAL ENROLLMENT

CHICK

Sallie Che. Na. chyo
married
Jack Smith

Charles G. Smith
wife
Elizabeth Smith
nee Gist

mlb R 4 557	John M. Smith 23-
mlb R 557	Jamie G. Smith 21-
mlb R 557	Minnie Smith 18-
mlb R 6 557	Charles J. Smith 16/4

For Identification as a Mississippi Choctaw.

Date MAY 16 1900

Name Alice Gardner.

Age 31 Blood Don't know

Post-Office, Shawnee, Okla.

Father: Charles C. Smith, d

Mother: Elizabeth, l

Claims through father - -
~~husband~~
Eli J. Gardner, l. w.
No claim for husband

Children.

E. J. Gardner.	9.
Jimmie " M.	7
Albert "	5

claims for sep & 3
children -

Stenographer J. A. Niles.

Choctaw MCR 5575

Jennie I. Miller

See MCR 5574

MCR 5575

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory, May 16, 1902.

In the matter of the application of Jennie I. Miller for identification as a Mississippi Choctaw.

APPEARANCES: Thomas & Harrison, Attorneys for applicant, represented by W.M. Harrison.

Said Jennie I. Miller, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Jennie I. Miller.
Q What's your age? A Thirty-eight.
Q What's your postoffice address? A Echo, Arkansas.
Q How long have you lived there? A About eleven years.
Q Where did you live just before that? A At Dayton, Arkansas.
Q How long did you live there? A About four years and I lived in the Choctaw Nation before that.
Q How long have you lived in the Choctaw Nation? A About a year.
Q Where were you born? A In Missouri.
Q Where in Missouri? A In Jefferson County.
Q You lived in Missouri how long? A About eighteen years.
Q Then you went where? A From Missouri to Dayton, Arkansas and from there to the Choctaw Nation and stayed about a year and then back to Dayton, Arkansas and then to Echo, Arkansas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Charles C. Smith.
Q What is your mother's name? A Elisabeth Smith.
Q You claim through which parent? A Father.
Q How much Choctaw blood do you claim? A I don't know the percentage.
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 by the United States authorities in 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, I haven't with me but it will be no trouble to get the proof.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a white man or a Choctaw Indian? A White man.
Q What's his full name? A Napoleon B. Miller.
Q You don't make any claim for your husband, then? A None whatever.
Q How many children have you under age and unmarried? A Not any.
Q You don't make any application except for yourself, then? A No sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Have you ever made an application for citizenship to the Choctaw Tribal authorities in Indian Territory? A No sir, not previous to this.

Jennie I. Miller--2

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

Q This is the first application, is it, 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 claiming under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Not altogether

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September, 1830; the object of the treaty was to remove the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article 14 was put in the treaty of 1830. The treaty was then signed and afterwards became 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 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 Did any of your ancestors comply or attempt to comply as far as you know with the provisions of article 14 of the treaty of 1830? A I don't know.

Q What's the name of your ancestor through whom you claim your rights to be identified as a Mississippi Choctaw? A Ezekiel, I think--its the same name as my sister gave.

Jennie I. Miller--3

Examination by Mr. Harrison:

Q Would you know the name if you were to see it? A Yes sir.

By the Commission:

Q You see you will have to establish your rights through an ~~name~~ ancestor you are supposed to know? A I can't pronounce the name.

Q Can you spell it? A No sir, but I would know the name if I saw it.

Q The name as given by Alice Gardner is this (showing the name as written on a piece of paper)? A Yes sir, ~~that~~ that's it--Che-ka-

chyo.

Q That you recognize as the name of your ancestor? A Yes sir.

Q What relation are you to Alice Gardner who has made application, claiming through this same common ancestor? A My sister.

Q What relation was this ancestor, Che-ka-chyo, to you? A We've been taught that he was our great grandfather.

Q You have been taught by members of your family that he was your great grandfather? A Yes sir.

Q Who have told you that? A It was just general talk in the family

Q Who in the family? A Among my sisters and brothers.

Q Older than yourself? A No sir, I am the oldest one living.

Q How did the younger members of your family know about your ancestors better than you? A They perhaps were better informed--perhaps they knew more about it.

Q Do you know where that information first came from that this great grandfather of yours was Che-ka-chyo and had Choctaw blood?

A No sir.

Q How much Choctaw blood did this great grandfather have? A He was supposed to be a full blood.

Q You have heard that in the family? A Yes sir.

Q Do you know how old he would be if living now? A No sir.

Q You claim your Choctaw blood through your father, do you? A Yes sir.

Q How old would he be if living now? A I think about sixty-six or seven--I wouldn't say for certain.

Q Where was he born? A I don't know--his ancestors were supposed to come from Mississippi.

Q You don't know where he was born? A No sir.

Q Did he ever live in Mississippi or Alabama? A I don't know for certain about that.

Q Where did he live most of his life? A He lived in the Choctaw Nation several years--part of the time in Alabama and part of the time in Missouri.

Q You don't really know where he did live most of the time? A No sir, I couldn't say exactly what place he did live most.

Q Did any of your Choctaw ancestors own any improvements on land, Choctaw lands in Mississippi or Alabama in 1830? A Well, this great grandfather was supposed to have a section of land but was made to leave it for some cause or other.

Q Did you ever hear anything about the particulars of that? A No sir, no more than he was supposed to own it and was driven from it.

Q Could you tell who you got that information from particularly?

A No sir, it was talk in the family.

Q You can't tell anyone in particular who said that? A Just about all of us.

Jennie I. Miller--4

Q That information must have come from some source other than younger members of your family--can't you tell where it came from?

A No sir.

Q Has anybody been looking up this matter and found such information? A I don't know how it is.

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 at that time, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the states? A I don't know.

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

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 14 of the treaty of 1830? A My grandfather was supposed to try to keep a section--that's all I ever heard of.

Q Did he try to get that land under article 14 of the treaty of 1830? A I don't know what article it was under.

Q You don't understand the article? A No sir, I don't understand it.

Q Did you ever hear of Col. Ward who was the United States Indian Agent in Mississippi in 1830? A No sir, no more than heard his name.

Q Heard his name mentioned by whom? A I couldn't say--I don't know where I heard it.

Q Did you ever hear the name mentioned of Col. George W. Martin?

A Yes sir.

Q Who was he? A I don't know.

Q In what way have you heard his name mentioned? A In regard to Indian affairs, some way or other.

Q You don't know much about that? A No sir, I do not.

Q Did you ever hear that the name of your great grandfather was upon any list made by Col. George W. Martin who was a locating Agent in Mississippi in 1830? A I don't know.

In Volume one of the Choctaw Nation vs United States on page 80 is found the name of a Choctaw Indian Che-kach-you, which name is contained in a register of names made by Col. George W. Martin, a locating Agent, under 14th article of the treaty of 1830 of September 30th. This Che-kach-you had set opposite his name the following described land, Section 16, Township 26, Range 5 West.

Q Do you know whether that person is identical with your great grandfather, or not? A No sir, I don't know;

Q You don't know whether he is the same or not? A That's been told in the family that he's the same person.

Q How does any person know anything about his family history, dating back a hundred years, unless it is family history or tradition?

A I guess that's the only way.

Q Then your information must come to you handed down from the family, hasn't it? A Yes sir.

Q Have you ever heard in the family or through family history and tradition that Che-kach-you, whose name appears in George W. Martin's list on page 80, Volume 1, of the Choctaw Nation vs United States, was

Jennie I. Miller--5

your great grandfather whose name you have given here as the ancestor through whom you claim? A Yes sir.

Q The name you give is spelled, as you give it, Che-ka-ohyo, what evidence or proof have you that that person is identical with Chekach-you whose name appears on page 80 of the Choctaw Nation vs United States, Volume 1? A Of myself I couldn't prove it.

Q Have you any witnesses that you intend to offer whom you think have investigated this matter and who would be able to testify to that point? A Yes sir, I think we can have witnesses.

Q Then, you rely upon witnesses that you intend to produce? A Yes sir.

Q Do you rely, further, upon any records that you intend to present before the Commission? A Yes sir.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Indian Territory with the other Indians after the treaty of 1830, were required if they intended to take advantage of article 14 of that treaty to go to the United States Indian Agent, Col. Ward, who was the Agent of the Government and who looked after the Indians in Mississippi at that time, and tell him this Agent—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 failure to do so caused a good many Indians who had land in Mississippi, upon which they had improvements, to have their land and improvements taken from them by the Government and sold. This caused so many complaints among the Choctaw Indians that in 1837 under the Act approved March 3, 1837, Congress appointed a Commission which went to Mississippi and heard claims under article 14 of that treaty. In 1842, under an act of Congress approved August 23, of that year, a second Commission was appointed which went to Mississippi and heard claims under article 14 of the treaty of 1830.

Q Do you know if Che-ka -ohyo or any other Choctaw ancestor, through whom you claim, went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article 14 of that treaty? A I don't know.

Q Did you ever hear or do you know, through any source of information, that you may have had, that your great grandfather held any land in Mississippi or tried to get any land in the old Choctaw Nation in Mississippi from the Government of the United States? A Yes sir, he tried to.

Q Can you tell where that land was located? A I think Section 16, Township 26 and Range 5.

Q Do you know just where that would be located in Mississippi? A No sir.

Q How did you learn and from whom did you learn in the family that your great grandfather had or tried to get land so described? A Just members of the family.

Jennie I. Miller--6

Q Do you know whether he got it or not? A They said he tried and didn't get it.

Q Did he never get it? A Not that I know of.

Q You have been taught in the family that he never got it? A Yes sir, that he never got it.

Q Did you ever hear the particulars of how he tried to get it? A No sir.

Q Whether before Col. Ward in 1831 or before the Commission in 1837 or the Commission appointed in 1842? A No sir, never heard.

The records of the Commission, referred to, show that Che-kash-you assigned to one Jno. B. Davis, whose name was given as the assignee, property described as Section 16, Township 26, Range 5;

Q This would indicate that this property was received and assigned to one John B. Davis; did you ever hear anything about that? A No sir.

Q You aren't able to give, of yourself, any further information in regard to that property or the disposition of your great grandfather of it? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government of the United States which entitled that ancestor or any of them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which was formerly held by them in the old Choctaw Nation and which the Government had taken from them and sold? A No sir, I don't know anything about it.

Q Have you any relatives or kin folks, except your sister Alice Gardner, who made application for identification as a Mississippi Choctaw on this date, who have previously been before the Commission to be identified as a Mississippi Choctaw? A No sir.

Q She is the only relative, then, that has appeared? A Yes sir, all that I know of.

Q Have you witnesses present whom you desire to call in support of your application? A Yes sir.

Q Who have you that you wish to call today? A Three sisters and two brothers.

Q They are all younger than yourself, are they? A Yes sir.

Q Have you any witnesses that you wish to call who are older than yourself? A Mr. Gardner, my sister's husband.

Q Is he a white man? A Yes sir.

Q He is older than yourself? A Yes sir.

Q These other brothers and sisters that you refer to are to make application for themselves, are they not? A Yes sir, they're here today.

Q Do you care for any additional time in which to furnish any further testimony? A

By Mr. Harrison:

Yes sir, speaking for the applicant, I desire to say we do.

Commission:

At the request of William M. Harrison thirty days will be allowed this applicant in which to offer further proof in support of this application, if he desires to do so.

Jennie I. Miller--7

Examination by the Commission:

- Q Do you speak the Choctaw language? A No sir.
Q Do you know whether this great grandfather had a Choctaw Indian name or spoke the Choctaw language? A Well, I suppose he had an Indian name the way it reads.
Q Is Che-ka-choo an Indian name? A Yes sir, I think it is.
Q Do you know whether he had an English name? A I don't know whether he did or not.
Q Did he speak the Choctaw language? A I don't know anything about it.
Q How old would he be if he were living now? A I don't know.

Examination by Mr. Harrison:

- Q You stated a few moments ago that from the family history and traditions of your common ancestor, that your information is that he was a full blood Choctaw--being a full blood, would you say that he spoke the Choctaw language? A I would suppose that he did.
Q In answer to the question with reference to Col. George W. Martin's connection with the Indian Department, you replied that he was connected with the Indian affairs; please state where--in what State, if you know, either of your own personal knowledge or from your best information and belief? A Mississippi, I suppose.
Q I wish you would take that pencil and tab and write the name of your common ancestor as you understood it to be in your application?
(Here the applicant writes the name "Che-ka-choo")
Q Now I wish you would write this name as it has been given by the Commission in your direct examination as I spell it "Che-kach-you"; now, take that second name, spell it, separating the second syllable--write it as I spell it "Che-ka-choo"--pronounce the first name and the second name and state whether they are the same in sound and pronunciation? A (spelling the word) Che-ka-choo.
Q What's your opinion as to the similarity of the names? A I think it's the same name.
Q When you speak of your great-grandfather claiming benefits under the treaty of 1830, the testimony you give is based upon your information as derived from your family history and tradition, is it not? A Yes sir.
Q Are you acquainted with Mr. Eli J. Gardner? A Yes sir.
Q What relation is he to you, if any? A He's my brother-in-law.
Q Which of your sisters did he marry? A Sister Anna.
Q What do you know, if anything, of his having recently or at any time within the last year visited the State of Mississippi for the purpose of investigating the family history of your ancestors? A He's been there twice investigating the matter.
Q State whether or not he has conversed with you or in your presence with reference to any information he may have obtained while in the State of Mississippi or elsewhere relative to the family history of your ancestor under whom you claim--in other words, have you talked with him about this matter? A Yes sir.
Q State whether or not the testimony you have given relative to this matter was, either in whole or in part, based upon any information you received from him about it--in other words did he tell you anything about your family affairs? A Yes sir, I have learned some things about it.

Jennie I. Miller--8

- Q What did he tell you? A He told me everything in regard to this land; our grandfather tried to get this land.
- Q Did you understand from him that your grandfather had received this land and had not been permitted to keep it? A Yes sir.
- Q Is that your understanding that you got from him about the land? A Yes sir.
- Q That he had received it and had not been permitted to keep it? A Yes sir.
- Q Did he undertake to explain to you why he was not permitted to keep it? A No sir, he didn't.
- Q I wish you would state the names of your brothers and sisters? A Thomas S. Smith, Chassie E. Smith, Alice Gardner, John J. Smith, James G. Smith, Minnie Smith, Cassie Bates, Jessie Smith; then I have a sister dead, Mary Bates.
- Q Did she leave any children? A Yes sir.
- Q State the names of those children? A John Everett, George Everett, Frank Everett, Lizzie Everett, Johnny Bates, Eugene Bates. My sister was married twice.

By the Commission.

- Q Do you know whether your great grandfather, Che-ka-chyp, lived in the old Choctaw Nation in Mississippi in the year 1830 and was the head of a family there then--did he have a family of children living with him there at that time? A I suppose he did.
- Q And attempted to comply, you think, with the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Is it a matter of family history and tradition? A Yes sir.

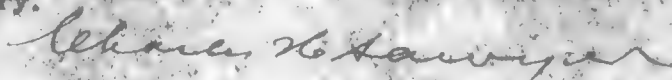
This applicant has the appearance and physical characteristics of being descended from white parentage except that she has dark eyes; her color is rather fair or medium; she has brownish, red hair; she has no knowledge of the Choctaw language. She claims that her ancestor, Che-ka-chye, who is her great grandfather and whom she claims was a full blood, is identical with Che-kach-you whose name appears on page 80 Volume One of the Choctaw Nation vs United States in a list made by George W. Martin, called Martin's Register of claimants under the 14th article of the treaty of Dancing Rabbit Creek, and who according to said register had reserved to him one section 16, Township 26, Range 5 West, and of which section Jno. B. Davis was an assignee. Her knowledge of whether or not her ancestor was this identical person whose name is on page 80 of the volume referred to is based upon family history and tradition.

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 Muskogee, Indian Territory, May 16th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken

Jessie I. Miller--9

in said proceedings on said date.


Subscribed and sworn to before me this the 20th day of May, 1902,
at Muskogee, Indian Territory.



Notary Public.

Miss. Chectaw 23875

Muskogee, Indian Territory, June 12, 1908.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 11, inclosing affidavits of Erwin Martin and A. J. Gist to the marriage of Charles C. Smith and Elizabeth Smith, in Sebastian County, Arkansas, in 1887, and the certificate of the Clerk of Court of Sebastian County, Arkansas, to the destruction in 1890 of the marriage records of that county for the years prior to 1864. The same have been filed with the application of Jennie J. Miller for identification as a Mississippi Chectaw as requested by you.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 5, 1903.

Jennie I. Miller,

Boho, Arkansas.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel E. Hunt, et al.	M.C.R. 4703
William F. Hunt, et al.	M.C.R. 4815
Hesekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5581
William C. Furtick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5572
Thomas S. Smith, et al.	M.C.R. 5583
John E. Everett, et al.	M.C.R. 5583
Ella Lewis, et al.	M.C.R. 5584
Willie Drewry	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5588
Will Yocum	M.C.R. 5589
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Jennie I. Miller, --2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Hill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hattie Cheves, et al.	M.C.R. 6230
George A. Everett	M.C.R. 6221

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

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

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles P. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie P. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jossie Hunt, William F. Hunt, Boyd E. Hunt, Heskiah R. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva F. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dig Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Hessel Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Ratie Jumper, Mark

Jennie I. Miller, —3

Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pat Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Allie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim De Dearing, Alexander E. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Tame Darty.

Registered.

Acting Chairman.

MCR-5575

Muskogee, Indian Territory, February 23, 1907.

Jennie I. Miller,
Ethel, Arkansas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 16 1902

Name Jennie D. Miller.

Age 38 Blood Don't Know

Post-Office. Echo, ~~Mo.~~ Ark.

Father: Charles C. Smith d

Mother: Elizabeth .. l.

Claims through father --

husband

Napoleon B. Miller. l. w.

No claim for husband

~~Children~~

Claims for self
alone

Stenographer J. A. Niles.

Choctaw MCR 5576

Cassie Bates

See MCR 5574

MCR 5576

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, I. T., May 16, 1902.

M C - 8576 -

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In the matter of the application of Cassie Bates for the identification of herself and her minor children, Bessie Bates, Alice Bates, Archie Patten and Hester Patten, and her step-children, Johnnie Bates and Eugene Bates, as Mississippi Choctaws:

W. M. Harrison, Attorney, appeared for Applicant.

Cassie Bates, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Cassie Bates.
Q. How old are you? A. I am twenty-six.
Q. What is your post-office address? A. Hatfield, Polk county, Arkansas.
Q. How long have you lived there? A. Three years.
Q. Where did you live before that time? A. In Indian Territory.
Q. Where in the Territory? A. Near Red Oak, Ind. Ter.
Q. Where is that? A. In the Choctaw Nation.
Q. How long did you live in Indian Territory? A. The first time I was there I lived there seven years, then lived in Okla-homa five years, then back to Red Oak and lived there a year and a half.
Q. Where were you born? A. In Missouri.
Q. How long did you live there? A. About eight years.
Q. You moved from there to Arkansas? A. Yes, sir.

- Q. Is your father living? A. No, sir.
- Q. Is your mother living? A. Yes, sir.
- Q. Through which parent do you claim your Choctaw blood? A. My father.
- Q. How much Choctaw blood do you claim? A. I don't know.
- Q. What was your father's name? A. Charles C. Smith.
- Q. What was your mother's name? A. Elizabeth Smith.
- Q. Was your father ever recognized in any way or enrolled as a Choctaw Indian in Indian Territory, either by the tribal authorities or the United States authorities? A. Not that I know of.
- Q. Have you the proof of the marriage of your father and mother with you? A. No, sir, but I could get it.

You will be allowed thirty days for that purpose.

- Q. Is your husband living? A. Yes, sir.
- Q. Is he a white man or a Choctaw Indian? A. A white man.
- Q. What is his name? A. John M. Bates.
- Q. Do you make any claim for him? A. No, sir.
- Q. Were either of you ever married before you married each other? A. Yes, we have both been married before.
- Q. Have you any children by your first marriage you want to make application for? A. I have two.
- Q. Was your husband ever married before he married you? A. Yes, sir.
- Q. Have you any children from your present marriage you want to make application for? A. We have two of our own, and then there are two of my sister's children I want to make application for. A.
- Q. You want to make application for your own children and for the children of his second wife? A. Yes, sir. I am his third wife. He married my sister for his second wife, and I am his third wife.
- Q. Give me the names of your two children by your present husband, John M. Bates? A. Bessie Bates -
- Q. How old is Bessie? A. Two years old.
- Q. Give me the name of the next one? A. Alice Bates.
- Q. How old is she? A. Three months.
- Q. These two children are your children by John M. Bates? A. Yes, sir.
- Q. They claim through you? A. Yes, sir.
- Q. You say that John M. Bates was married before he married you? A. Yes, sir.
- Q. Was he married to your sister? A. Yes, sir.
- Q. And you would like to make application for his children by your sister? A. Yes, sir.
- Q. What are the names of the children by John M. Bates' second wife, your sister? A. Johnnie Bates is the oldest.
- Q. How old is he? A. Eight years old.
- Q. The other one? A. Eugene Bates.
- Q. How old is he? A. Seven years old.
- Q. Is John M. Bates the father of Johnnie and Eugene Bates? A. Yes, sir.
- Q. What was their mother's name? A. Mary Bates.
- Q. And she is now dead? A. Yes, sir; she is dead.

- Q. Was she your sister? A. Yes, sir.
- Q. You make application for Johnnie and Eugene Bates because they are your nephews, being the sons of your deceased sister, who was the second wife of your present husband? A. Yes, sir.
- Q. Now, have you any other children you want to make application for? A. I have two.
- Q. Give me the name of the older? A. Archie patton.
- Q. How old is he? A. Nine years old.
- Q. The other one? A. Hester Patten.
- Q. How old? A. Seven.
- Q. Who was the father of Archie and Hester patton? A. James Patton.
- Q. Is he dead? A. I don't know.
- Q. Were you divorced from him? A. Yes, sir.
- Q. When were you divorced? A. In 1898.
- Q. Where? A. In Oklahoma, Tecumseh court.
- Q. In what county is Tecumseh? It is the county seat of Pottawatomie county.
- Q. Did you get the divorce yourself? A. Yes, sir.
- Q. Did you get the custody of the children in the same decree? A. Yes, sir.
- Q. That decree of divorce is on record in that court now? A. Yes, sir.
- Q. What is the name of the mother of these two children? A. Cassie Bates is my name now.
- Q. Are all six of these children living with you at your home? A. Yes, sir. I keep them all, but one of them is on a visit to my mother now.
- Q. Your two children, Bessie and Alice Bates, are your children by your husband, John M. Bates? A. Yes, sir.
- Q. They claim through you? A. Yes, sir.
- Q. And Johnnie and Eugene Bates are your sister's children by John M. Bates, and they claim Choctaw blood through your sister? A. Yes, sir.
- Q. That source is the same through which you claim? A. Yes, sir.
- Q. And you claim the right to identify Archie and Hester Patten because they are your children by their father James Patten, who was formerly your husband? A. Yes, sir.
- Q. Do all these children claim through the same common ancestor that you claim and through which Jennie I. Miller and Alice Gardner claim? A. Yes, sir.
- Q. Do you remember when your present husband was married to your sister, his second wife? A. It was in 1892 or 1893, I forget which.
- Q. Do you know the exact date? A. Yes, it was the 15th of August, 1893.
- Q. When did she die? A. August 30, 1897.
- Q. When did you marry your present husband? A. January 2, 1898.
- 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. I don't understand.
- Q. You have never been enrolled as an Indian, have you? A. No, sir.
- Q. Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw Nation to the Choctaw tribal authorities? A. No, sir.

- Q. Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw nation to the Daves Commission under the act of Congress, of June 10, 1896? A. No, sir.
- Q. Is this the first application you have ever made for the enrollment of yourself and children to any authority whatever, either to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. Yes, sir.
- Q. You never made application for citizenship in the Choctaw nation to the United States authorities or the United States Court? A. No, sir.
- Q. Do you now come before the Commission to identify yourself and these children, the two by your present husband, those by your former husband, James Patton, and your sister's children by John M. Bates? A. Yes, sir.
- Q. You want to identify yourself and those 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. Not very well.

The treaty of 1830 was made between the United States government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all the Choctaw Indians from the old Choctaw nation east of the Mississippi River to the Choctaw nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go from the old Choctaw Nation to Indian Territory, and in order to protect the interests of those who remained back in Mississippi and Alabama in the old Choctaw Nation article fourteen was drawn up and put into the treaty of Dancing Rabbit Creek. It was then signed and was ratified on the 24th day of February, 1831.

That article reads as follows:

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

- Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. My father.
- Q. Go back to a remote ancestor, as far back as you can go? A. (No response.)

- Q. I want you to give me the name of any ancestor of yours who lived back there in Mississippi in the old Choctaw nation and was the head of a family there in 1830. A. I will have to spell the name to you. I cannot pronounce it. Che-ka-chye.
- Q. Did he live in Mississippi in 1830 and have a family there? He was supposed to be.
- Q. How much blood did he have of Choctaw? A. He was a full blood, or about full blood.
- Q. How old would he be if living now? A. I don't know.
- Q. Was that his Indian name that you have given? A. Yes, sir.
- Q. Did he have an English name, or do you know? Yes, the way we pronounce it is Sickles.
- Q. How do you know he had any such name as that? A. I have heard our family say so.
- Q. Did he speak the Choctaw language? A. Who?
- Q. Did Che-ka-chye speak the Choctaw language? A. I suppose he did.
- Q. How do you know he spoke the Choctaw language? A. I did not say he spoke it--I say I suppose he did, being a full blood.
- Q. You only know what you have heard? A. That is the only way I could know, is what I have heard my parents and the family say about it.
- Q. Did you ever hear any of them say that he lived in Mississippi in 1830 and was the head of a family there? A. Yes, sir.
- Q. Do you know how old Che-ka-chye would be if living now? A. No, sir.
- Q. Did he live anywhere else but in Mississippi? A. Not that I know of.
- Q. You claim through your father, do you? A. Yes, sir.
- Q. How old would he be if living now? A. He would be about 67.
- Q. Where was he born? A. In Mississippi.
- Q. Did he claim through his father or mother? A. His father.
- Q. What was his father's name? A. Jack Smith.
- Q. So your father's father was named Jack Smith, and he was your grandfather? A. Yes, sir.
- Q. Through which parent did he claim? A. His father.
- Q. What was his name? A. Jack Smith.
- Q. Your father's father was named Jack Smith, and now I want to know his father's name? A. Smith was his name.
- Q. You said Che-ka-chye was your great-grandfather. Tell me what was the name of Jack Smith's father? A. Che-ka-chye.
- Q. What relation would he be to you? A. My grandfather.
- Q. Let's get this straightened out, you are mixing it all up and I never will get you straight. A. I am nervous and have got bothered.
- Q. You claim through your father, Chas. C. Smith? A. Yes, sir.
- Q. He claims through whom, his father or mother? A. Through his father.
- Q. His father was named Jack Smith? A. Yes, sir.
- Q. And Jack Smith's father was Che-ka-chye, and Che-ka-chye was your great-grandfather? A. Yes, sir, that is it.
- Q. What was the name of one of Che-ka-chye's children through whom you claim? A. Sallie Smith.
- Q. There you go again. Mr. Harrison, see if you can straighten her out.

By Mr. Harrison.

- Q. Whom did Jack Smith marry? A. Sallie Che-ka-chye.
- Q. What relation was Sallie to Che-ka-chye, your great-grandfather? A. She was his daughter.
- Q. I think you have it straight if you will just keep cool and answer the questions as asked you.

Examination resumed by Commission.

- Q. You are just a little bit mixed about this? A. I am nervous, yes, sir.
- Q. I will ask you again--your great-grandfather you say was named Che-ka-chyo? A. Yes, sir.
- Q. Did he have a daughter? A. Yes, sir.
- Q. What was her name? A. Sallie.
- Q. Her name was gallie Che-ka-chyo? A. Yes, sir.
- Q. Whom did she marry? A. Jack Smith.
- Q. And then her name became allie Smith? A. Yes, sir.
- Q. What relation was Chas. C. Smith to Sallie and Jack Smith? A. He was their son.
- Q. Sallie Che-ka-chyo married Jack Smith, didn't she? A. Yes, sir.
- Q. You say that Chas. C. Smith was your father? A. Yes, sir.
- Q. I will ask you what relation was Chas. C. Smith to Sallie Smith? A. He was her son.
- Q. Do you know whether any of your Choctaw ancestors owned any improvements on lands in Mississippi or Alabama in 1830? A. He got some land but it was taken away from him some way or other.
- Q. Did he hold any lands in Mississippi in 1830 upon which there were improvements? A. Not that I know of.
- Q. Did any of your 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 and 1840? A. Not that I know of.
- Q. Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to Col. William Ward, the United States Indian Agent located in Mississippi, and tell him they wanted to stay there, take lands and become citizens of the States? A. My great-grandfather got some lands but they were taken from him.
- Q. Did you understand that he went to the Indian Agent and told him he did not want to go to Indian Territory, or did you ever hear about that? A. No, I never heard.
- Q. Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama in the old Choctaw Nation under article 14 of the treaty of 1830? A. None only my grandfather.
- Q. When you speak of your greatgrand father having lands in Mississippi and the old Choctaw Nation you mean also the ancestor of your children, Bessie and Alice Bates, and Archie and Hester Patton, as well as the children of your sister, Johnnie and Eugene Bates? A. Yes, sir.
- Q. You all claim through the same ancestor A. Yes, sir.
- Q. Going back to Sallie Smith and her husband, Jack Smith, and one generation further back, Che-ka-chyo would the great-great-grandfather of these children, would he? A. Yes, sir.
- Q. All this knowledge you have by what you have heard in your family as family history and tradition? A. Yes, sir; I have heard it in the family.
- Q. Did you ever hear that the name of your great-grandfather appeared upon any of the rolls or registers made by Col. William Ward and Col. Geo. W. Martin, the locating agent? A. Yes, sir.
- Q. Did you ever hear of Geo. W. Martin, the locating agent of the government? A. Yes, sir.

- Q. What have you ever heard about your ancestor's name being on that register of Col. Martin's? A. I have heard in that family that it was.
- Q. Did you ever hear that your great-grandfather received any lands in Mississippi in the old Choctaw nation under article 14 of the treaty of 1830? A. Yes, sir; I have heard it, and that it was taken from him in some way.
- Q. Can you describe that land? A. It was section sixteen, township twenty-six, and range five.
- Q. You have heard that he received such section of land? A. Yes, sir.
- Q. Do you know what was done with the land? A. He was driven off of it, is what I have always heard.

The records in the possession of the Commission show that on page 80, volume 2, Choctaw nation vs. The United States Government, in the list or register made by Col. Geo. W. Martin of claimants under article fourteen of the Treaty of Dancing Rabbit Creek, appears the following name and entries after it:

Che-kach-you One Section 16 Twp. 26, Range 5 west - - -

and carried out opposite are the words, under the caption "Assignee" the name of Jno. B. Davis.

- Q. Now, if this is the same ancestor through whom you claim you will notice two differences in it and your testimony. First, the spelling is different from your way of spelling it; and second, as to his having the land taken from him. The person whose name I have spelled received land and conveyed it to Jno. B. Davis. Now, how do you know that this Che-kach-you is the same ancestor whose name you give as Che-ka-choyo, and whose land was assigned to Jno. B. Davis? A. Because it is the same name.
- Q. Do you think it is the same sound? A. Yes, sir.
- Q. How about this person having assigned to some one? A. I have understood that he was driven from it.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article 14 of the treaty of 1830, to go within six months from the ratification of that treaty to the U. S. Indian Agent and tell him that they wanted to stay, take lands and become citizens of the States. A

great many Choctaw Indians did this whose names Col. William Ward, the Government Agent, failed to put upon his list known as "Ward's Register". His neglect to do this caused a great many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by an act of March 3 of that year, Congress appointed a commission which went to Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 another commission was appointed by an act of August 23 of that year, and this commission also went to Mississippi and heard claimants under article 14 of the treaty of 1830. Both commissions made lists of such names as came before them.

- Q. Do you know if any of your ancestors appeared before either of these commissions and claimed any benefits under article 14 of the treaty 1830 ? A. Yes, sir.
- Q. Do you know that they did? A. I have heard it said they did.
- Q. Did any of your ancestors go before either the Commission of 1837 or the Commission of 1842; that is, some time after 1831, and these commissions were sent there to hear the claims of those who had been to Col. Ward and attempted to comply with article 14 but their names were refused or were not recorded. Now, are you sure about it? A. Not that I know of.
- Q. The fact is, you are not possessed with full information about it? A. I don't know fully about it.
- Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select lands from the vacant government lands in Mississippi, Alabama, Louisiana, or Arkansas in place of lands taken from them and sold? This scrip was issued under the act of Congress of 1842, august 23 of that year. It entitled holders to take lands in place of lands the government had taken from them and sold? A. Not that I know of.
- Q. Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? Any except Alice Gardner and Jennie I. Miller A. None that I know of.
- Q. Do you want your case consolidated with all the others who claim under the same ancestor, and have them all considered together by the Commission? A. Yes, sir.
- Q. Do you speak or understand the Choctaw language? A. No, sir.

Examination by W. M. Harrison, in behalf of
the Applicant.

- Q. You say you do not speak the Choctaw language? A. No, sir.
- Q. Does any member of your family speak it? A. No, sir.
- Q. It is possible, is it not, that you have made a mistake in spelling the name of your common ancestor? A. I don't know.
- Q. Not being able to speak the Choctaw language, you would be more likely to make a mistake than if you understood it, wouldn't you? A. Yes, sir.
- Q. Suppose you take the name Che-kach-you, and divide the second syllable kach, it would become ka-ch, then if you connect the -ch- and the -you-, you would have the name of the person you apply under, would you not? A. Yes sir.
- Q. It is the same letters, the same spelling except the last letter o is dropped, but the division is different and the sound is the same? A. Yes, sir.
- Q. Thus; Che-ka-cho. Now pronounce that name and then pronounce the one as given in the book, if you can. A. I can't pronounce it.
- Q. Is it not the same sound as the name you apply under? A. It is to me.
- Q. Pronounce this -- Che-ka-cho. A. (Done.)
- Q. And this -- Che-kach-you. A. (Done.)
- Q. Would you pronounce them the same, they having the same sound? A. Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parents; she has light brown hair, dark eyes, and a medium fair complexion. She does not understand the Choctaw language. She claims a compliance on the part of her ancestors, her great-grandfather, with article fourteen of the treaty of 1830, in that she connects him with the Che-kach-you, claiming him to be the identical person whose name appears upon the register of Col. Geo. W. Martin, although the spelling of the names are slightly different. She also claims that it is a matter of family history that her great-grandfather received Sec. 16, Twp. 26, Rng. 3 West, as land located somewhere in the State of Mississippi in the old Choctaw Nation, and she bases her claim upon the fact of the similarity of names and the description of the land, which is the same as that received by her great-grandfather in the State of Mississippi which she has learned from her family history.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceeding on May 16, 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.

S. A. Apple

Subscribed and sworn to before me this 22nd day of May, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Cassie Bates,

Hatfield, Arkansas.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hesekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5593
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Gaver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5888
Will Yocum	M.C.R. 5889
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Cassie Bates, --2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie P. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd N. Hunt, Hosekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick,

Cassie Bates, --3

Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Mona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Elia Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocam, John Yocam, William W. Furtick, Jefferson D. Furtick, Joffie Furtick, Edna L. Furtick, Eugenia Furtick, Frank H. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Yame Dixie

Acting Chairman.

Registered.

M.C.R. 5576.

Muskogee, Indian Territory, September 10, 1906.

Cassie E. Bates,

Porum, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be advised of the present status of the consolidated Mississippi Choctaw case of Alice Gardner, et al.

In reply to your letter you are informed that it appears from the records of this office that on February 18, 1903, the record in said case, together with the decision of the Commission to the Five Civilized Tribes of January 8, 1903, refusing the applications of the several persons in this consolidated case, was forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs; and up to the present time this office has not been advised of Departmental action thereon.

When this case is passed upon by the Department, due notice thereof will be furnished the several applicants.

Respectfully,

Commissioner.

MUR. 4762
MUR. 5076 ✓
MUR. 5084.

Muskogee, Indian Territory, January 12, 1907.

H. J. Gardner,
Shawnee, Oklahoma.

Dear Sir:-

Receipt is hereby acknowledged of your letter of December 28, 1906, giving the present post office address of Ella Lewis, Cassie Bates and Samuel H. Hunt, applicants in the consolidated Mississippi Cheatew case of Alice Gardner et al. A proper record has been made of these addresses.

Respectfully,

Commissioner.

MCR-5576

Muskogee, Indian Territory, February 28, 1907.

Cassie Bates,
Porum, 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 January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 16, 1902.

Name Cassie Bates, —

Age 26 Blood Don't know

Post-Office, Hatfield, Ark. ^{Chazee}

Father: R. C. Smith — d

Mother: Elizabeth " — l

Claims through ^{factum}
 Husband John M. Bates — l.w.

No claim for him —
 John M. Bates father of
 Bessie & Alice Bates —
 Children:

Bessie Bates, 2

Alice " 3m

Johnnie Bates, } 8 yrs..

Eugene " } 7 yrs

father - John M. Bates (l.w)
 mother - Mary Bates (d) sister
 of app. & 2nd wife of app. husband.

Archie Patton - (M) 9

Hester " (M) 7

father - James Patton - w.
 mother - Cassie Bates -

claims for self and 6
 children

Stenographer J. A. Apple.

END
OF
ROLL

