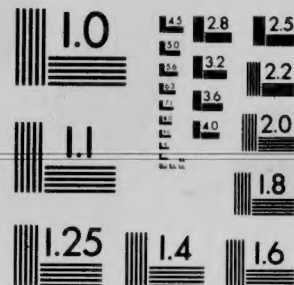
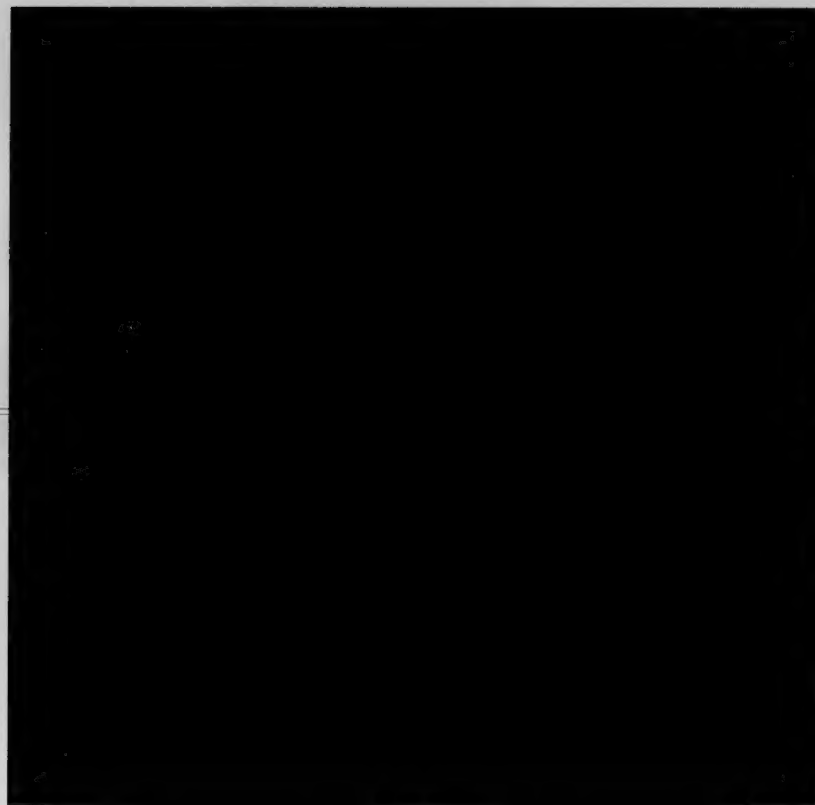
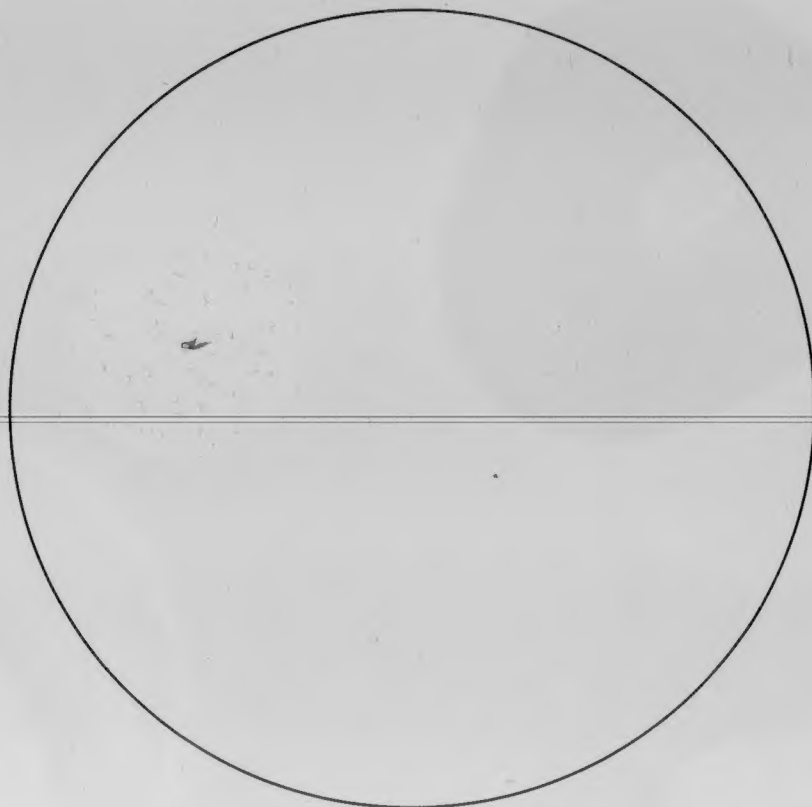
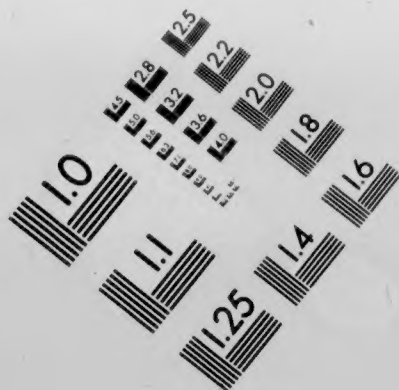
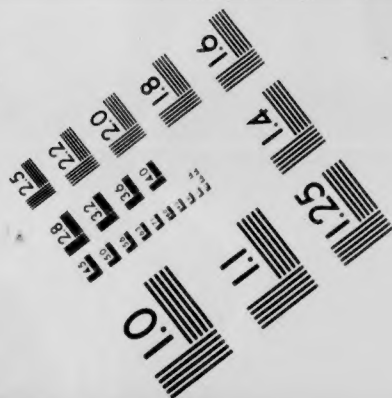
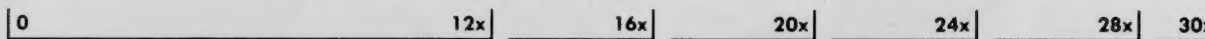


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 164

MISSISSIPPI CHOCTAW MCR 7249 - 7333

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

WASHINGTON: 1983

Choctaw MCR 7249

George McGee

MCR 7249

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

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In the matter of the application of George McGee for the identification of himself and his five minor children, Jesse, Rosa, Robert, Maria and Millie McGee, as Mississippi Choctaws.

J. C. Lowery attorney.

George McGee being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George McGee.
Q What is your age? A Thirty-three.
Q What is your post office address? A Lenton, Indian Territory.
Q How long have you lived at Lenton? A Little over two years.
Q Where did you live previous to that time? A Part of the time in Mississippi and part in Texas.
Q Prior to the time you removed to Texas you had resided in Mississippi? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What is your father's name? A Nelsen McGee.
Q Is your mother living? A Yes, sir.
Q What is her name? A Maria McGee.
Q Do you claim through your father or mother? A Through father.
Q How much do you claim? A I don't know.
Q How much blood did your father have? A I don't know.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States court in Indian Territory? A I don't know.
Q Is your wife living? A Yes, sir.
Q What is her name? A Ella McGee.
Q Is she a negro? A Guess so.
Q Do you make any claim for her? A No, sir.
Q Have you any children under age and unmarried for whom you wish to make application? A Yes, sir.
Q Give their names and ages beginning with the oldest? A Jesse.
Q Boy or girl? A Boy.
Q How old? A nine.
Q The next? A Rosa.
Q How old? A She is seven.
Q Next? A Robert? A How old? A five.
Q Give the name of the next? A Maria.
Q How old? A Three.
Q Next? A Millie.
Q How old? A One year old.
Q Is that all? A Yes, sir.
Q Do you claim for yourself and these five minor children? A Yes, sir.
Q Is your wife Ella the mother of these children? A Yes, sir.

Q Have you any evidence of your marriage to Ellen McGee? A No, sir.

You will be allowed thirty days time in which to introduce this proof.

- Q Is your name on any tribal roll 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 your children as to either the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, or to the Choctaw tribal authorities? A No, sir.
- Q Have you or your children ever been admitted as citizens of the Choctaw Nation by any authority whatever? A No, sir.
- Q You come before the Commission now to be identified with your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

That article is as follows:

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

- Q Do you know if any of your Choctaw ancestors complied with that article or not? A No, sir.
- Q Through whom do you claim your right to be identified? A My father.
- Q Through whom does your father claim his Choctaw blood? A Through his mother and father.
- Q Give their names? A His father was Walker McGee and his mother was Louisa.
- Q Were both of them possessed of Choctaw blood? A That is what they tell me.
- Q Can you give the names of the parents of either Walker or Louisa? A They tell me his father's name was Samuel and my father's father's mother's mother was Louisa Phelps.

- Q How much Choctaw blood did either Samuel McGee or Louisa Phelps have? A I don't know.
- Q Do you know whether either lived in Alabama or Mississippi? A No, sir.
- Q Do you know whether either lived in the old Choctaw Nation in 1830 and was the head of a family at that time? A No, sir.
- Q Did they try to register under article fourteen of the treaty of 1830 within six months after it was ratified? A I don't know.
- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government for that land? A No, sir not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir, not that I know of, only father.
- Q Did any of them remove with the other Indians between the years 1833 and 1837? A No, sir not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors owned improvements on land in the old Choctaw Nation in 1830? A No, sir.

By an act of Congress approved March 3, 1837 and another act approved August 23, 1842, commissions were appointed, which commissions went to Mississippi and heard claims under article fourteen. These commissions were appointed to hear the complaints of Choctaw Indians who tried to register under article fourteen but were refused by Colonel Ward who refused to allow them to register, and because of his refusal those Indians had their land taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim benefits under article fourteen? A No, sir, not that I know of.
- Q Did any of your ancestors receive a scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir not that I know of.
- Q Was either your father or mother a slave? A I don't know.
- Q Were you born in slavery? A No, sir.
- Q Was your grandfather or grandmother a slave? A Not that I know of.
- Q Was your mother a slave? A I don't know.
- Q Have any of your relatives been before the Commission to make application for identification as a Mississippi Choctaw? A No, sir.
- Q Has your father been before the Commission? A Yes, sir.
- Q What is his name? A Nelson McGee.

Reference is made to the case of Nelson McGee, M.C.R. 6809 for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Are there any questions you want to ask? A No, sir.

By Attorney:

7249-4

Q You are a son of Nelson McGee? A Yes, sir.

Q And you are a brother of Robert and Thomas McGee? A Yes, sir.

By Commission:

This applicant appears to be descended from mixed negro and Indian parentage, doesn't understand or speak the Choctaw language and has no knowledge of any compliance on the part of any of his ancestors with article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 25, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 9 th day of May 1903.

Charles H. Sawyer

Notary Public.

N O R
7247 7248
7249 7300

Muskogee, Indian Territory, April 22, 1903.

Robert McGee,
Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between J. A. McGee and Anna Short, offered in support of the application made by John McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between R. W. McGee and Mollie Boff, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between G. A. McGee and Ella Bird, offered in support of the application made by George McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Thomas McGee and Mary Farrington, offered in support of the application made by Thomas McGee for the identification of himself and minor children as Mississippi Choctaws.

2 200 2

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 7249

Muskogee, Indian Territory, October 31, 1903.

George McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Issac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

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 Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled 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."

G. McJ. - 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)

I. B. Neesâtes.

Commissioner in Charge.

Registered.

M.C.R. 7249

Muskogee, Indian Territory, August 14, 1905.

George McGee,
Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

4

No.

7249

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name George M^eLee

Age 33

Blood last known

Post Office, Renton O.T.

Father: Nelson M^eLee L

Mother: Maria " L

Claims through father

wife

Ella M^eLee,

no claim for wife

Children:

Jesse M^eLee (M) - 9

Rosa " - 7

Robert " - 5

Maria " - 3

Millie " - 1.

Claims for self

& children

Stenographer

Chas. Hiffen

Choctaw MCR 7250

Martin G. Miller

MCR 7250

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, March 23, 1903.

In the matter of the application of Martin G. Miller for the identification of himself and his minor child Edwin B. Miller as Mississippi Choctaws.

James Givens, and J.E. Hurly, Attorneys for applicant.

Martin G. Miller being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martin G. Miller.
 Q How old are you? A Fifty seven.
 Q What is your post office address? A Sulphur Springs Texas.
 Q How much Choctaw blood do you claim? A I claim about one sixteenth; my grandmother was a half. That would make me one eighth.
 Q How long have you resided in the state of Texas? A Fifty seven years.
 Q Lived there all your life? A Been there all my life; born there.
 Q What was the name of your father? A William G. Miller.
 Q Is he living or dead? A Dead.
 Q What is the name of your mother? A Nancy Burns.
 Q Is she living or dead? A Dead.
 Q Through which one of your parents do you claim Choctaw Indian blood? A My father.
 Q Your father was a white man? A Yes.
 Q Where did your father live previous to his death?
 A In Texas, at Mount Vernon.
 Q How long did he live in the state of Texas? A Ever since about thirty eight. He died in fifty eight; he lived there twenty years. He first come to Texas in thirty six and went back and married.
 Q He died in what year? A In 1858.
 Q Where did he live previous to 1857? A Mississippi.
 Q What part of Mississippi? A Yalobusha County.
 Q Was he born in Mississippi? A I don't know whether he was or not; I can't tell; I don't know whether he was or not.
 Q Do you know how long he lived in Mississippi previous to his removal to Texas? A No I do not; of course I was small when he died.
 Q Was your father ever recognized in any manner by the tribal authorities of the Choctaw Nation as a Choctaw citizen?
 A No.
 Q You stated your father died in 1858? A 1858.
 Q How old was he at that time? A He was about forty six years old; forty five or six.
 Q Were your father and mother legally married? A Yes sir.
 Q Where were they married? A In Mississippi.
 Q Before they moved to Texas? A Yes sir.
 Q When were they married? A I think about 1838.
 Q Were they married under a license? A I think so.
 Q Who performed the marriage ceremony? A I can't tell.

- Q Have you any evidence of their marriage? A Nothing only the Bible and such as that you know; I thought we would have to get the certificate; I don't know yet; I will send and get that if I can.
- Q Since your mother was a white woman it will be necessary that you furnish the Commission with some evidence of the marriage of your father and mother; you can furnish that evidence within thirty days of this date.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Virginia Richmond.
- Q Is she a white woman? A Yes sir.
- Q Makes no claim to be possessed of Indian blood? No.
- Q When were you married to her? A In sixty seven.
- Q Where were you married? A Married in Titus County Texas.
- Q Were you married under the Texas law? A Texas law.
- Q Did you obtain a license? A Yes sir.
- Q Who performed the marriage ceremony? A Joshua Johnson a minister.
- Q Have you a marriage license and certificate? A I have not; I will have to get a copy somewhere.

It will be necessary that you furnish the Commission with some evidence of your marriage to your wife; you can furnish that within thirty days.

- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A One.
- Q What is his name? A Edwin B.
- Q How old is Edwin? A Eighteen.
- Q Is he living with you at the present time? A Yes sir.
- Q Has lived all his life in Texas? A All his life.
- Q You now desire to make application for the identification of yourself and one minor child Edwin B. Miller, as Mississippi Choctaws? A Yes sir.
- Q Is the name of yourself or your minor child found upon any of the tribal rolls of the Choctaw Nation? A No.
- Q Did your father or yourself ever make application to have your names placed upon any of the tribal rolls of the Choctaw Nation? A Never did.
- Q Did your father or yourself ever make application to the Choctaw tribal authorities in the Choctaw Nation for citizenship in that nation? A No.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation? A No.
- Q Was your father living in Mississippi in the year 1830? A Yes I think he was.
- Q He was living in Mississippi in 1830? A Yes.
- Q Was he of age then or a minor? A No he was a minor.
- Q He wasn't the head of a family at that time? A No.
- Q What was the name of his father? A Martin Miller.
- Q Was Martin Miller a Choctaw Indian? A No.
- Q Was possessed of no Choctaw blood? A None at all.
- Q What was the name of your father's mother? A Susannah Miller; she was Susannah Arthur before she married.
- Q How much Choctaw blood was she possessed of? A They always told me half.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and for your minor child under the provisions of article fourteen of the treaty between the United States Government and the Choctaw Indians concluded at Dancing

Rabbit Creek in Mississippi on September 27, 1830.

A Yes sir.

The fourteenth article of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be 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 fourteenth article? A Yes I think I do.

The fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months after the treaty was ratified signify his intention to the agent, that is he must let the agent know in some way that he desired to take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. The treaty of Dancing Rabbit Creek was ratified on the 24th day of February 1831; now after a Choctaw had signified his intention to the agent to remain he was entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; if he had a child in his family over ten years of age that child was entitled to one half as much as the parent or 320 acres of land; if he had a child under ten years of age that child was entitled to one fourth as much as his parent - one quarter section or 160 acres of land, the reservations of the children must adjoin the reservation of the parent; now by the provisions of that fourteenth article this Choctaw was required to live upon his reservation for five years from the 24th day of February 1831 and he was then entitled to a grant in fee simple for the land; the last clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to stay in Mississippi and become a citizen of the states and receive land under article fourteen he should not by so doing forfeit his rights to citizenship in the new Choctaw Nation Indian Territory except his rights to the annuity payments.

Q You understand that provision now do you? A I think I do.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I dont know; that's what I dont know.

- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I think they were; that's what I've heard..
- Q Were any of your ancestors at that time recognized citizens of the Choctaw Nation? A I think they were; that's what I've been taught.
- Q Did any of your Choctaw ancestors own any improvements in Mississippi in 1830? A I dont know; I dont think they did; my father didnt I dont think because he wasn't of age. I dont think he did.
- Q It's through your grandmother that you claim your Choctaw blood; your grandmother on your father's side? A Yes sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation
- A No.
- Q In 1830 or soon after? A No; I dont know.
- Q Were any of your Choctaw ancestors ever in the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did any of your Choctaw ancestors ever signify their intention to the agent of the government in Mississippi to remain there and become citizens of the states as provided in article fourteen of the treaty of 1830? A I dont know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek; on this account in many instances the land on which Indians had improvements and which they desired reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land; this action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act which was approved March 3 1837 providing for the appointment of a commission whose duty it should be to go to Mississippi and hear evidence in the cases where Choctaws made complaint that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but had not received land thereunder; in 1842 another commission was appointed for the same purpose.

- Q Did any of your ancestors appear before either of these commissions appointed under act of Congress approved March 3 1837 or August 23 1842 and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A That's been my understanding but they never got enrolled.
- Q When did your paternal grandmother die? A She died I think it was about 1835 or somewhere along there.
- Q Did she die in Mississippi? A No she died in Texas.
- Q When did she remove to Texas? A I don't know; sometime about the same time my father came; somewhere about 1840 I think.
- Q Prior to that time she lived in Mississippi? A Yes, I dont

know exactly what time she did come; that's about the time I was born.

The act of Congress approved August 23 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit creek but that his land had been sold by the government he should be entitled to select land elsewhere 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 ancestors ever receive any scrip from the government of the United States under this act of Congress?
A No sir.
Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No.
Q Have you any witnesses whom you wish to present to the Commission today? A No not any. I will have some more in thirty days.
Q You have no witnesses heretoday? A No.
Q Do you desire to offer any written evidence in support of your claim? A Yes; connect it with the case of Cornelia Smith.

Reference is made to the case of Cornelia Smith M.C.R. 6642.

You will be allowed thirty days from this date in which to introduce any additional evidence in this case and at the end of that time there will be no further time allowed.

- Q State the names of your children over twenty one years of age
A R.N. Miller, Mamie Hurly, Bessie Steppard.
Q Are there any other persons who claim through the same common ancestors? A Yes. Mr. Edens he married a sister of mine.
Q Was your sister's name Jane Edens? A Yes sir; they-I've got a brother that's not enrolled; all the rest has been enrolled.
Q What's your brother's name? A Harry B. Miller.

The applicant has no appearance of being possessed of Choctaw Indian blood; has blue eyes; light complexion; light hair.

- Q Do you speak the Choctaw language? A I don't speak it.
Q Did your mother speak the Choctaw language? A No; I had an aunt could speak it.
Q Did your father speak it? A No; I don't know whether he spoke it or not.

Clara Mitchell Wood being sworn upon her oath states that she reported the above case on the 23rd day of March 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case.

Subscribed and sworn to before me this 23rd day of March 1903.

Clara Mitchell Wood
Charles H. ...

COPY

M.O.R. 7250

Muskogee, Indian Territory, March 14, 1904.

Martin G. Miller,

Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you and your child, Edwin B. Miller.

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

Respectfully,

(SIGNED)

T. B. Woodles,
Commissioner in Charge.

Registered.

M.C.R. 7250

Muskogee, Indian Territory, September 26, 1904.

Martin G. Miller,

Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, and son, Edwin B. Miller, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

No.

7250

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name

Martin G. Miller

Age

57

Blood

1/16.

Post Office.

Sulphur Springs, Tex.

Father:

Wm. G. Miller. D

Mother:

Nancy Burns. D

Claims through

father

wife: Virginia Richmond,
no claim

Children:

Edwin B. Miller 18

Martin...
REFUSED.

DECISION RENDERED. MAR 14 1904
NOTICE OF DECISION FORWARDED
APPLICANT

FORWARDED FOR THE
FOR THE CAN...

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 24 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 26 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEY FOR APPLICANT.

FER TO M. C. R.

Choctaw MCR 7251

Mamie Mace

MCR 7251

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

In the matter of the application for the identification of
Mamie Mace, et al., as Mississippi Choctaws, consolidating the ap-
plications of--

Mamie Mace, E.C.A. 7251,
Troy Wills, et al., E.C.A. 7139.

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

	page
Original application of Mamie Mace before the Dawes Commission for identification as a Mississippi Choctaw,.....	1
Power of Attorney from Mrs. Mamie Mace to John C. Mace,.....	4
Certificate of Dr. J. H. Davis,.....	5
Marriage certificate between John C. Mace and Mamie Mace,.....	7
Original application of Troy Wills, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	8
Copy of marriage record between Troy Wills and Sarah Ann Coburn,.....	12
Decision of the Commission refusing the consolidated application of Mamie Mace, et al., for identification as Mississippi Choctaws,.....	13

Department of the Interior
 Commission to the five Civilized Tribes.
 Muskogee, Indian Territory, March 23 1903.

In the matter of the application of John C. Mace for the identification of his wife, Mamie Mace as a Mississippi Choctaw.

John C. Mace being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John C. Mace.
 Q How old are you? A Twenty six.
 Q What is your post office address? A Craig Missouri.
 Q Are you a white man? A Yes sir.
 Q Make no claim to be possessed of any Indian blood? A No sir
 Q Are you now here for the purpose of making application for the identification of your wife as a Mississippi Choctaw?
 A Yes sir.
 Q What is your wife's name? A Mamie Mace.
 Q How much Choctaw blood does she claim to be possessed of?
 A I don't know.
 Q What is the name of her father? A William H. Reynolds.
 Q Is he a white man? A Yes sir; I don't know hardly how to answer that; he's got Indian blood; his ancestor was an Indian; he has made application here; I don't know whether I would answer that as a white man or not.
 Q He has made application before this Commission for identification as a Mississippi Choctaw? A Yes sir.
 Q What's the name of her mother? A Mary Reynolds.
 Q Is she a white woman? A Yes sir.
 Q Your wife claims her Choctaw blood through her father? A Yes sir.
- There is offered in evidence, marked Exhibits A and B, certificate of J. M. Davis, M.D. in regard to the physical condition of Mrs. Mamie Mace, and power of attorney issued by Mrs. Mamie Mace to her husband John C. Mace.
- Q Is your wife's father William H. Reynolds living? A Yes sir.
 Q Where is he living? A In Craig, Missouri.
 Q How long has he lived in Missouri? A I can't say positively
 Q How long has your wife lived there? A I don't know that either.
 Q Do you know where she lived before she moved to Missouri?
 A No sir.
 Q How old is your wife? A Twenty years old.
 Q How old is her father? A I don't know positively.
 Q You don't know how much Indian blood he claims do you?
 A No I don't.
 Q Have you got any evidence of your marriage to this woman?
 A Yes sir.
 Q Got it with you? A Yes sir.

There is offered in evidence marked exhibit C. and made part of

of the record in this case marriage certificate issued by Wisel Beale, Presbyterian Pastor, to John C. Mace and Manie Reynolds, certifying to their marriage on the 15th day of August 1900.

- Q What is the name of your wife's mother? A Mary Reynolds.
Q When were the parents of your wife married? A I don't know.
Q Do you know where they were married? A No sir, I think in Kentucky but I won't say positively.
Q Have you got any evidence of their marriage? A No sir.

It will be necessary that your wife furnish the Commission with proper evidence of the marriage of her parents.

- A He's enrolled; he's to furnish the evidence; won't that be sufficient?

- Q If it's on file in his case it will be referred to.
Q You state that your wife's father William H. Reynolds has already appeared and made application for identification as a Mississippi Choctaw? A Yes sir.
Q You wish to make reference to his case. A Yes, and then I have others here to make reference to if necessary.

Reference is here made to the case of William H. Reynolds, et al M.C.R. 7107, for the purpose of consolidation.

- A And Green Reynolds and Mary E. Wills is a sister of them.

- Q These persons have made application? A And also Fielding Hanks, Jack Hanks, and Henry Hanks, uncles to William H. and Green Reynolds and Mrs Mary E. Wills.

Reference is here made to the case of Fielding Hanks et al M.C.R. 6682.

- Q Have you got any children? A No sir.
Q Just wish to make application for your wife at the present time? A Yes sir.
Q Has your wife ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe? A Not that I know of.
Q Did your wife ever make application to this Commission in 1896 for admission to citizenship in the Choctaw Nation?
A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation Indian Territory for your wife under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi on September 27 1830? A Yes sir..

The fourteenth article of that treaty is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to

one half that quantity for each unmarried child which is living with him over ten years of age 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 the provisions of the fourteenth article?
A Yes sir.
Q Do you know the name of the Choctaw ancestor of your wife who was living in Mississippi in 1830 and complied or attempted to comply with this article fourteen of the treaty of 1830? A No sir.
Q You don't know that any of her ancestors were living in Mississippi at that time? A No, sir, I don't know.
Q Do you know whether any of her ancestors had any improvements in Mississippi in 1830? A No, sir, I don't know.
Q Do you know whether any of her ancestors obtained scrip from the United States government? A No sir I can't say.
Q Have you any witnesses whom you desire to have heard in support of this application? A No sir I have not.
Q Have you any written evidence that you desire to present at this time? A No sir.

You will be allowed thirty days from this date in which to introduce any additional evidence which you have in support of your wife's application; at the end of that time there will be no extension of time allowed.

- Q Are there any further statements you desire to make at this time? A No sir.
Q Does your wife speak the Choctaw language? A No sir.
Q Does her father speak the Choctaw language? A No sir I think not.
Q Will you describe the personal appearance of your wife?
A She has light hair; dark eyes; I don't think she shows any Indian blood.
Q What is the appearance of her father William J. Reynolds?
A He's dark complected; I don't know whether he shows Indian blood or not.

Clara Mitchell Wood being duly sworn states that she reported the above case on the 23rd day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 24th day of March 1903.

Charles H. Sawyer

Notary Public.

COPY.

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

In the matter of the application for the identification of
Mamie Mace, et al., as Mississippi Choctaws, consolidating the ap-
plications of--

Mamie Mace, M.O.R. 7251,
Troy Wills, et al., M.C.R. 7139.

D E C I S I O N .

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by John C. Mace for his wife, Mamie Mace, and by Troy Wills
for himself and his minor child, William J. Wills, under the fol-
lowing provision of the act of Congress approved June 25, 1896,
(30 Stat., 495):

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

It also appears that the applicant in M.O.N.7261 claims rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of William H. Reynolds, and the applicants in M.O.N.7139 claim said rights by reason of being descendants of John Harper; both of said ancestors are alleged to have been Choctaw Indians, degree of blood not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw and Chickasaw citizenship court, created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William H. Reynolds, or John Harper, 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 Commission authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mamie Mace, Troy Wills and William J. Wills as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
 JUL 29 1904

Muskogee, Indian Territory, July 29, 1904.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory,
Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mae et al., embracing the following cases:

Mamie Mae, M.C.R. 7251.
Troy Wills, et al., M.C.R. 7139.

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

Respectfully,

Registered.

Consolidated by Charge

N.C.N. 231.

Mustagee, Indian Territory, July 29, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904 refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mace et al.

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

Respectfully,

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mamie Mass et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

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

Mamie Mass M.C.R. 7251
Troy Wills, et al., M.C.R. 7139

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.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Jasper Chambers, et al. decision in which was rendered by the Commission on March 4, 1904, and forwarded to the Department on June 13, 1904.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 7251

Land.
56069-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON October 10, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the consolidated applications as Mississippi Choctaws by Mamie Mace and by Troy Wills for himself and his minor child, William J. Wills.

July 29, 1904, the Commission decided adversely to the applicants.

The record shows that Mamie Mace claims rights under Article 14 of the Treaty of Dancing Rabbit Creek by reason of being a descendant of William H. Reynolds, and the applicants, Troy Wills and his son, William J. Wills claim said rights by reason of being descendants of John Harper, both ancestors are alleged to have been Choctaw Indians, degree of blood not shown. It further appears from the record, and from the records of this office, that none of the applicants has ever been recognized, enrolled or admitted to Choctaw citizenship by any tribunal.

2.

It does not appear from the records of this office, or from the evidence in the record, that the said William H. Reynolds, or John Harper, or an ancestor less remote, signified to any person an intention to comply, or did comply, with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, or of any subsequent legislation thereunder.

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

Very Respectfully,

M.M.M.
W.

A. C. Tonner,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR
D.C. 39937-1904. WASHINGTON
I.T.D. 10174-1904.

WRF
JRE
October 15, 1904.

L.R.S.

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

Gentlemen:

August 15, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Marie Mace, et al (M.C.R. 7251), including your decision of July 29, 1904, refusing to identify the applicants as Mississippi Choctaws.

Reporting in the matter October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

M.C.B. 7251

COPY:

Muskogee, Indian Territory, October 31, 1904.

John C. Mace,

Craig, Missouri,

Dear Sir:

You are hereby notified that on the 15th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mace et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

James Bixby

Chairman.

COPY.

M.C.R. 7251

Muskogee, Indian Territory, October 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 15th day of October 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mage et al., of which decision you were advised by mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

M. C. M. 7251

COPY.

Muskogee, Indian Territory, October 31, 1904.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mace et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

MOR 7251.

COPY:

Muskogee, Indian Territory, July 29, 1904.

John C. Mace,

Craig, Missouri,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Mace et al., including Mamie Mace.

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

Respectfully,

ENGINEER

I. B. Needles.

Commissioner in Charge.

r Registered.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name John C. Mace
Age 26. Blood

Post Office, Craig, Mo.

Father: ^{Wife} Wm H. Reynolds. L

Mother: ^{Wife} Mary " L

~~claims through~~ for wife
Wife claims through
father:

~~claims through~~
Minnie Mace, 20
dent 2 in blood

Claims for wife only

Wm H. Wood

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED
APPLICANT JUL 29 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS JUL 29 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS JUL 29 1904

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION APPROVED BY
SECRETARY

NOTICE OF DEPARTMENTAL

OCT 2 1904

NOTICE OF DECISION FORWARDED
FORWARD

NOTICE OF DECISION FORWARDED
FORWARD APPLICANTS

REFUSED

Refer to M.C.R.

Choctaw MCR 7252

Bessie Sheppard

MCR 7252

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, March 23, 1903.

In the matter of the application of Claude E. Sheppard for the identification of his wife Bessie Sheppard as a Mississippi Choctaw.

Claude E. Sheppard being first duly sworn testified as follows:

Examination by the Commission;

- Q What is your name? A Claude E. Sheppard.
 Q How old are you? A Twenty seven.
 Q What is your post office address? A Sulphur Springs, Texas.
 Q Are you a white man? A Yes sir.
 Q Make no claim to be possessed of Indian blood? None at all?
 Q Who is it for whom you now wish to make application? A My wife and child, Bessie Sheppard is my wife's name.
 Q What is your wife's name? A Bessie Sheppard.
 Q How old is she? A Twenty two.
 Q She lives at Sulphur Springs Texas? A Yes sir.
 Q How much Choctaw blod does she claim? A One sixteenth I think.
 Q What is the name of her father? A Martin G. Miller.
 Q Is he living or dead? A He's living.
 Q What is the name of her mother? A Virginia A. Miller.
 Q Is she living or dead? A Living.
 Q Through which one of her parents does your wife claim her Indian blood? A Her father.
 Q Her mother is a white woman? A She is, yes, sir.
 Q How long has your wife lived in the state of Texas? A Born in the state of Texas.
 Q Lived there all her life? A Never lived any where else.
 Q How long has her father lived in Texas? A Fifty seven years.
 Q You are the husband of this woman? A Yes sir.
 Q Have you got evidence of your marriage? A I've got the marraig certifizate.

There is offered in evidence, marked Exhibit A. made part of the record in this case, marriage license issued by the clerk of the county court of Hopkins County Texas to C.E. Sheppard and Miss Bessie Miller, and attached thereto is a certified copy of the certificate of R.V. Merrill, Minister, to the effect that on the 25th day of December 1901 he united the above named parties in marriage.

There is also offered in evidence power of attorney issued by Mrs. Bessie Sheppard to C.E. Sheppard, marked Exhibit B and made part of the record in this case.

- Q Have you any children? A One.
 Q What is it's name? A Wynne E.
 Q That's the child for whom you wish to make application?
 A Yes, sir.
 Q How old is this child? A A few days old.
 Q Can you give the exact date of its birth? A March 14th.

This child having been born subsequent to September 25, 1902

no record of the application for its enrollment can be taken at the present time.

- Q You state that you do not know how long your wife's father had lived in the state of Texas? A Not personally, I do not.
- Q Do you know the name of his father? A Yes sir, his father's name was William Miller.
- Q Was he possessed of Choctaw Indian blood? A Yes sir.
- Q What is the name of your wife's father's mother? A Susannah Arthur; she married a Miller; maybe I didn't understand the question.
- Q What was the name of the mother of your wife's father? A Nancy Miller.
- Q What was the name of the Choctaw ancestor through whom your wife claims her right to be identified as a Mississippi Choctaw? A Susannah Arthur married a Miller.
- Q She is the mother of William Miller, and the grandmother of Martin G. and the great grandmother of your wife? A Yes sir.
- Q Was she living in the state of Mississippi in 1830? A I don't know that only by reputation.
- Q Has your wife ever been recognized or enrolled by the Choctaw tribal authorities as a citizen of that tribe? A No sir.
- Q Has her father ever been so recognized? A A No sir he just made the application.
- Q Did your wife's father himself or through some one else ever make application to this Commission in 1896 for admission to citizenship in the Choctaw Nation? A None.
- Q Do you now wish to make application for the identification of your wife as the descendant of a Choctaw Indian who complied with the fourteenth article of the treaty of 1830? A Yes sir, I've heard that read two or three times.
- Q You understand that do you? A Yes sir.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be 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 the fourteenth article of the treaty of 1830? A Yes, sir, I am making application under it.
- Q Did any of your wife's Choctaw ancestors comply or attempt to comply with this fourteenth article? A Personally I don't know; my understanding is that Susannah Arthur attempted to comply in 1830.
- Q Were any of your wife's Choctaw ancestors living in the state of Mississippi in 1830 at the time this treaty was ratified? A That's my understanding; I can't speak from my own personal knowledge.

- Q Were any of her Choctaw ancestors recognized members of the Choctaw tribe at that time? A From family history, yes, sir, Susannah Arthur was.
- Q Did any of her Choctaw ancestors own improvements in the state of Mississippi at the time of this treaty? A I don't know about that.
- Q Did any of her ancestors remove from the state of Mississippi to the Choctaw Nation Indian Territory at the time of the removal of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir not that I know of.
- Q Do you know of any patent ever having been issued to any of your wife's Choctaw ancestors to land in Mississippi? A None.
- Q Do you know of any scrip having been issued to any of her Choctaw ancestors? A No sir, I don't think it was.
- Q So far as you know did any of your wife's Choctaw ancestors ever receive any benefits as citizens of the Choctaw Nation? A No.
- Q Have you any witnesses you would like to present today? A Not today.
- Q Have you any written evidence you wish to present? A Only that that I have presented.

You will be allowed thirty days in which to present any additional evidence you may offer; at the end of that time there will be no further extension of time.

- Q Are there any cases to which you wish to make reference? A I wish to make reference to the Cornelia A. Smith case.

The case of Cornelia A. Smith M.C.R. 6642 is here referred to for the purpose of consolidation.

The case of Martin G. Miller, M.C.R. 7250 is also referred to, being an applicant claiming through the same common ancestor through whom this applicant claims for his wife.

- Q Will you give your wife's personal appearance? A She weighs 140 pounds; medium height; light complexion, with light brown hair and blue eyes.
- Q Has she any of the personal characteristics of an Indian? A None at all.

Clara Mitchell Wood being duly sworn upon her oath states that she reported the above case on the 23rd day of March 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24th day of March 1903

Charles H. Sawyer

Notary Public.

BY.

M.C.R. 7252

Muskogee, Indian Territory, March 14, 1904.

Claude E. Sheppard,

Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including Bessie Sheppard.

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

Respectfully,

T. B. Nicellie.

Commissioner in Charge.

Registered.

M. T. R. 7232

Muskogee, Indian Territory, September 26, 1904.

Claude E. Sheppard,
Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as a Mississippi Choctaw of Bessie Sheppard, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Bessie Sheppard

Age 22. Blood 1/16

Post Office, Sulphur Springs, Tex.

Father: Martin G. Miller. L

Mother: Virginia A. " L

Claims through father.

Children:

Appearance by
 Claude E. Sheppard
 No. 279 cars

Clara M. Wood

A MISSISSIPPI

Bessie Sheppard

REFUSED

DECISION RENDERED. MAR 14

OFFICE OF DECISIONS

RECORDED

ORDER

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL
ACTION MADE APPLICANT
SEE

DEPARTMENTAL ACTION
FORWARD BY ATTORNEY GENERAL
AND U.S. DEPARTMENT OF JUSTICE

ATTORNEY GENERAL

REFER TO M. C. R.

Choctaw MCR 7253

Robert N. Miller

MCR 7253

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, March 23, 1903.

In the matter of the application of Robert N. Miller for the identification of himself and his two minor children, Robert and Louise Miller as Mississippi Choctaws.

J. A. Hurly, Attorney for applicant.

Robert N. Miller being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Robert N. Miller.
 Q How old are you? A I'm thirty two.
 Q How much Choctaw blood do you claim to be possessed of? A One sixteenth I believe.
 Q What is your post office address? A Williston, North Dakota
 Q How long have you resided in North Dakota? A Two years.
 Q Where did you live prior to that? A Muskogee.
 Q How long did you live in Muskogee? A Four years.
 Q Where was your home previous to that time? A Sulphur Springs Texas.
 Q How long did you live in Texas? A Born there.
 Q Lived there all the time until you removed to Muskogee?
 A Yes sir.
 Q What is the name of your father? A Martin G. Miller.
 Q Is he living or dead? A Living.
 Q What was the name of your mother? A Virginia A. Miller.
 Q Is she living or dead? A She's living.
 Q Through which one of your parents do you claim your Choctaw blood? A Father.
 Q your mother was a white woman? A She is.
 Q Were your father and mother legally married? A They were.
 Q Where were they married? A Titus County Texas.
 Q Under a license? A Yes sir.
 Q Do you know who performed the marriage ceremony? A Johnson I believe; I've heard them say.
 Q Have you any evidence of that marriage with you? A No sir.

It will be necessary that the Commission be supplied with some evidence of the marriage of your parents.

- Q Are you married? A I am.
 Q What is the name of your wife? A Mattie E. Miller.
 Q Is she a white woman? A She is.
 Q When were you married to her? A In '91.
 Q Where was the marriage ceremony performed? A Sulphur Springs Texas.
 Q Have you any evidence of your marriage to this woman? A I have a certified copy.

There is offered in evidence, marked exhibit A and made part of the record in this case, marriage license, issued by the

m the clerk of the County Court of Hopkins County Texas to Robert N. Miller and Miss Mattie Lou Coffey and attached thereto is a certified copy of the marriage certificate issued by James B. Riddle M.G. stating that on September 30 1891 he united in marriage the parties above named.

- Q Have you any children? A I have two.
- Q What are their names and ages? Robert Miller, he's eleven years old and Louise, eight.
- Q These are the only two children you have? A Yes sir.
- Q You wish to make application for the identification of these children also? A Yes sir.
- Q This application is for the identification of yourself and your two minor children as Mississippi Choctaws? Yes sir.
- Q Was your name or the names of your children ever placed upon any rolls of the Choctaw Nation by the Choctaw tribal authorities? A No sir.
- Q Have you ever been recognized by the Choctaw tribal authorities as citizens of that tribe? A No sir.
- Q Was any application for you and your children made to the Commission in 1896? A No sir.
- Q Have you ever made application prior to this time for the enrollment of yourself and children as citizens of the Choctaw Nation? A No sir.
- Q Do you now wish to make application for the identification of yourself and your two minor children as Choctaw Indians entitled to rights in the Choctaw lands in the Indian Territory as descendants of Mississippi Choctaw Indians? Yes sir.

The fourteenth article of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age 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 provision of law? A Yes sir; I've heard it read over.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A Susannah Arthur.
- Q What was her relationship to you? A Great great grandmother, I believe; I don't know how to figure it out.
- Q How claim through your father? A Yes sir.

- Q What was his father's name? A William Miller.
- Q Did he have Choctaw blood? A Yes sir.
- Q His wife was a white woman? A Yes sir.
- Q What was his father's name? A Martin G. Miller.
- Q Is he a white man? A No sir, Choctaw.
- Q What was his wife's name? A I don't know.
- Q Your father's grandfather was Martin G. Miller? A Yes sir.
- Q And your father's grandmother is Susannah Arthur? A Yes sir.
- Q She is the one through whom you claim? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I think not, I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made. A They said they did.
- Q Were any of your Choctaw ancestors recognized citizens of the Choctaw Nation at that time? A Why, yes sir, they were recognized as Choctaws.
- Q Did any of your Choctaw ancestors own improvements in the old Choctaw Nation in Mississippi in 1830? A I don't know.
- Q Did any of them ever remove from the state of Mississippi to the Choctaw nation Indian territory between the years 1833 and 1838? A I think not.
- Q Have any of your Choctaw ancestors ever lived in the Choctaw Nation Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors ever signify his intention to the agent of the government in Mississippi to remain in Mississippi and take advantage of the provisions of the fourteenth article of the treaty of 1830? A No.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the United States under the provisions of this article fourteen of the treaty of 1830? A I don't know.
- Q Do you understand the provision of law passed on March 3 1837 and August 23 1842, appointing commissions to examine into the rights of Choctaw Indians? A Yes sir I think I do.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government of the United States under this act of Congress? A I think not.
- Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.
- Q Have you any witnesses before the Commission today you would like to have heard? A No sir.
- Q Have you any written evidence you would like to introduce at the present time? A No sir.

You will be allowed thirty days from this date in which to offer any additional evidence; no extension of this thirty days will be allowed.

- Q Are there any cases which you would like to have considered in connection with your case.

A The Cornelia A. Smith case and the case of my father Martin G. Miller.

Reference is here made to the cases of Cornelia A. Smith M.C.R. 6642 and Martin G. Miller M.C.R. 7250 for the purpose of consolidation.

- Q Are there any further statements you desire to make at this time?

A No sir.

Q Have you any brothers or sisters with you to make application
A Those who have just made application; Mrs Bessie Sheppard,
and Mamie Haley.

The applicant is light complexioned; blue eyes; brown hair;
has none of the characteristics of an Indian.

Clara Mitchell Wood being duly sworn upon her oath states
that she reported the above case on the 25th day of March
1903 and that the above and foregoing is a true and correct
transcript of her stenographic notes of the proceedings in
said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 25th day of March
1903.

Clara Mitchell Wood

Notary public.

Muskogee, Indian Territory, March 14, 1904.

Robert E. Miller,
Williston, North Dakota.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you and your children, Robert and Louise Miller.

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

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 7253

Muskogee, Indian Territory, September 26, 1904.

Robert N. Miller,

Williston, North Dakota.

Dear Sir:

You are hereby notified that on the 24th day of August 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as Mississippi Choctaws of yourself, and children, Robert Miller and Louise Miller, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman .

No.

7253

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name

Robert N. Miller

Age

32

Blood

1/16

Post Office,

Williston, N. D.

Father:

Martin G. Miller 2

Mother:

Virginia A. Miller 2

Claims through

father

via mother L. Miller

Children:

Robert Miller

11 yrs.

Louise

"

8 "

Enographer

Clara M. Wood

Robert N. Miller, et al.

REFUSED.

DECISION RENDERED. MAR 1 1904

NOTICE OF DECISION FORWARDED
APPLICANT

RECORDED IN DEPARTMENT.

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 24 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

REFER TO M. C. R.

Choctaw MCR 7254

Thomas Vaughn

MCR 7254

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

In the matter of the application of Thomas Vaughn for
identification as a Mississippi Choctaw, M.C.R. 7864.

I N D E X .

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

(Page)

Original application of Thomas Vaughn before the House
Committee for identification as a Mississippi Choctaw, 2

Copy of the Commission report on the
Thomas Vaughn for identification as a Mississippi Choctaw, 2

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, March 23, 1903.

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

Thomas Vaughn being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas Vaughn.
- Q How old are you? A Well I don't know exactly; from all accounts I'm about seventy seven years old. Now you see all the way I get my age once in a while -- I get a man to look in the history and find it.
- Q What's your post office address? A Fallis Oklahoma.
- Q How much Choctaw blood do you claim to be possessed of?
 A Half.
- Q What was the name of your father? A From what my mother said his name was Nelson.
- Q Nelson Vaughn? A Nelson is all I know; I went with my mother by my master's name.
- Q Do you know what your father's father's name was?
 A No, I don't know.
- Q Is he living or dead? A He's dead.
- Q What was the name of your mother? A Ailsy Dawson.
- Q She's dead is she? A Yes sir.
- Q Through which parent do you claim Indian blood? A My father.
- Q How much Indian blood did he have? A They said he was a full blood; I don't know anything about it.
- Q Was your mother a negro? A Yes sir.
- Q She didn't have any Choctaw blood at all did she? A No sir.
- Q Was she a slave? A Yes sir.
- Q How long have you lived in Oklahoma? A About ten years.
- Q Where did you live previous to that? A In Kentucky.
- Q How long did you live in Kentucky? A Lived there all my life.
- Q Were you born and raised in Kentucky? A Yes I was born and raised there and my mother come from Mississippi and I was born shortly after she come from there.
- Q When did your mother come from Mississippi to Kentucky?
 A I don't know; a while before I was born but I can't tell you; now the history could tell you; my age; I was fifteen years old when when Polk ran for President, and that's all the way I got -- from my owners and mother -- I could just get a man to look into the history once in a while and see.
- Q How old were you when the slaves were freed? A I don't know that either. I was a settled man.
- Q You don't know how old you were during the war? A No sir.
- Q You were a full grown man at that time? A Yes, sir, full grown.
- Q Where did your father live previous to his death? A I don't know that; I don't know anything about him.
- Q Did your mother and father live together in Kentucky? A No sir.
- Q You don't know where he lived? A No; she told me Mississippi, that's all I know.

- Q The only name you know of his is Nelson. A From what she said.
- Q Do you know when he died? A No sir.
- Q Were you a slave? A Yes sir.
- Q Were your father and mother ever married - legally married?
- A Not as I know of; she never did tell me whether they were married or not.
- Q Did they ever live together as husband and wife? A She said they did back in Mississippi but after she left and got into Kentucky I never heard whether he stayed with her or not.
- Q Did he come to Kentucky with her? A She said he did
- Q Have you got any evidence of their marriage? A No sir.
- Q You don't know whether they were married or not? A No sir.
- Q Have you got any children under the age of twenty one years and unmarried? A No sir I've got some grand children; I've got none of my own.
- Q Are their parents living? A Yes sir.
- Q All of your children are grown and married - have families of their own? A Yes sir.
- Q Just yourself you wish to make application for? A Yes sir; I thought this; if it was needed and I was allowed, I would put in application for my grandchildren but they have got their father and mother all living.
- Q Well their father and mother are the proper persons to appear for them
- Q What was your wife's name? A Mary Vaughn.
- Q Is she the only woman you ever married? A No, I had one in Kentucky, Sylvia Vaughn.
- Q Neither of these women had Indian blood? A No sir.
- Q They are the mothers of your children? A No sir they aint the mother of my children; they used to be my wives.
- Q These are the only two women you ever married?? A Yes sir.
- Q Have you ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities?
- A No sir.
- Q It is through your father that you claim your right to identification as a Mississippi Choctaw.
- Q Has he living in the state of Mississippi in the year 1830
- A I don't know.
- Q You understand why you are making application at the present time? A No sir.
- Q You never appeared before this Commission or before the tribal authorities previous to this time? A No sir never did.
- Q Do you now appear before this Commission at this time for the purpose of making application for the identification of yourself as a Choctaw Indian entitled to rights in the Choctaw lands in the Indian Territory under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek on the 27th of September 1830? A Yes sir.
- Q You claim to be the descendant of a Choctaw Indian who resided in Mississippi in 1830 do you? A Yes sir.

That fourteenth article of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half

that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Yes sir.
Q You are sure you do? A I don't know nothing about the treaty

This fourteenth article required that in case a Choctaw Indian desired to remain in Mississippi, that is when the rest of the Choctaws were coming to the Indian Territory, if one of those Choctaws desired to remain there he should within six months after the treaty of Dancing Rabbit Creek was ratified - that is the treaty under which the Choctaws could go from that old Choctaw Nation to the Choctaw Nation Indian Territory, signify his intention to the agent - the United States Indian agent - and he was then entitled to take land there under the provisions of the fourteenth article; the treaty of Dancing Rabbit Creek was ratified on the 24th day of February 1831; and after a Choctaw had signified his intention to the agent to remain he was entitled to a reservation of 640 acres of land to be bounded by sectional lines of survey, down in that country; if he had a child over ten years of age that child should have one half section of land or 320 acres; if he had a child under ten years of age he was entitled to a quarter section or 160 acres; if any man had improvements down there he should take his land where the improvements were; now by the provisions of this fourteenth article this Choctaw was required to live on this land for five years from the time the treaty was ratified; he was then entitled to a grant in fee simple; he was given a patent to the land in Mississippi and he would have the right to dispose of this tract of land at his pleasure. The last clause of this fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That clause means that in case a Choctaw preferred to stay in Mississippi and become a citizen of the states and receive land under article fourteen he should not by so doing forfeit his rights to citizenship in the Choctaw Nation Indian Territory but he could remove over here at any time but would not be entitled to the Choctaw annuities - that is the money issued to the Choctaw tribe?
- Q Now do you think you understand that provision? A I don't exactly understand it; I tried to keep up with it; that means that a man or woman that has an interest could stay there --
- Q It means that those Indians who didn't want to come to the Indian Territory with the Indians who came could remain in the state of Mississippi and have a tract of land given to them and that then if they wanted to come over here at any time

- afterwards they were entitled to do so. Do you understand that?
- A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with this article fourteen of the treaty of 1830?
- A No sir.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi in 1830 and take land under this provision? A No sir not that I know of.
- Q The only one of your ancestors that you know anything about is your father whose name was Nelson? A Yes that's the only one that I know anything about and I don't know anything about him only what my mother told me.
- Q Do you know whether your father Nelson had any improvements in the state of Mississippi? A My mother said he did; that, as all I know.
- Q He had some land down there and improvements on land? A Yes sir; said he got off; must have had some improvements.
- Q He didn't remove from the old Choctaw Nation over into the new Choctaw Nation in the Indian Territory did he? A Not that I know anything about; if he did I never heard it.
- Q Do you know when he died? A No sir.
- Q Did he move with your mother from Mississippi into Kentucky?
- A He come there with her; she was brought there but he didn't stay but a few days and left; I don't know where he went.
- Q You don't know where he went after that?? A No sir.
- Q Your mother never heard of him after that time? A Never heard of him. You know darkies them days didn't hear much nohow, going into the fields to work.
- Q Have you got any papers to show that your father ever got any land down in Mississippi? A No sir.
- Q You have no patents or scrip or anything of the kind?
- A No sir.
- Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A None that I know of.
- Q So far as you know were any of your ancestors ever recognized by the tribal authorities as Choctaw Indians? A No sir not as I know of.
- Q Have you any witnesses you would like to have heard in regard to your rights as a Choctaw Indian? A None at all; everybody who knows anything about that now is dead.
- Q Have you any written evidence which you wish to introduce?
- A No sir.

You will be allowed thirty days in which to introduce any additional evidence you may have in support of your application; at the end of that time no extension of this time will be allowed.

- Q Are there any further statements you desire to make at this time? A No sir.
- Q Are there any cases of any other applications who have made application which you wish to refer to at the present time?
- A No sir.
- Q You are the only one of your family who has ever applied?
- A Yes sir.
- Q What was the name of your mother's owner - master? A Joe Dawson.
- Q Was he a white man? A Yessir.
- Q Lived in the state of Kentucky? A Yes sir.

- Q What was the name of your master? A That was my master; they all died out and then I was sold to Vaughn..
- Q He was a white man too; and then I took my name after him.

The applicant is dark complected showing the negre blood very plainly; has full beard; long and rather curly hair and has the appearance of being possessed of some Indian blood but favors the negre race to a greater extent.

- Q Do you claim to be possessed of any white blood? A No sir.

It will be necessary if you desire to prosecute your claim any further that you present some additional evidence; you will have to offer evidence to the effect that your father and mother were married and that your father complied with the fourteenth article of this treaty which I have read and explained to you.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 23rd day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

subscribed and sworn to before me this 25th day of March 1903.

Charles W. Sawyer

Notary public.

COPY.

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

In the matter of the application of Thomas Vaughn for
identification as a Mississippi Choctaw, M.C.R. 7254.

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

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Thomas Vaughn for himself under the following provision of the
act of Congress approved June 26, 1893 (30 Stats., 495):

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

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, by reason of being a descendant of
Nelson, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support
of said application, and from the records in the possession of the
Commission, that said applicant has never been enrolled by the
Choctaw tribal authorities as a member of the Choctaw tribe, or

admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Nelson, or the applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to 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., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Vaughn as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tambs Bixby.

T. B. Needles CHAIRMAN.
C. R. Breckinridge COMMISSIONER.

W. F. Stanley.

McAlester, Indian Territory

AUG 6 1903

N.O.R. 7254.

itory, August 6, 1903.

Thomas Vaughn,
Fallis, Oklahoma.

Dear Sir:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Vaughn an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Vaughn 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 identification as such should be refused, and it is so ordered."

T. V. 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)

T. B. Needles.
Commissioner in Charge.

Register.

COPY.

K.J.R. 7254.

Muskogee, Indian Territory, August 6, 1903.

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

Gentlemen:-

You are hereby advised that on the 6th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Vaughn an applicant for identification as a Mississippi Choctaw.

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Vaughn as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 22, 1903.

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith the record in the case of Thomas Vaughn, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 6, 1903.

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

Respectfully,

T. B. Neelock.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
2 Enc. M O R 7204

Choctaw 7264

Muskogee, Indian Territory, August 27, 1903.

Thomas Vaughn,

Fallis, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 24 asking if your claim has been approved.

In reply to your letter you are informed that it appears from our records that on August 6, 1903, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw, and you were notified that you would be allowed fifteen days from that date within which to submit argument for the consideration of the Secretary of the Interior.

Replying to that part of your letter in which you ask how long you will have to come down and select your allotment, you are informed that it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw nations.

Respectfully,

Chairman.

Land
55450-1904

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Feb. 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Thomas Vaughn for identification of himself as a Mississippi Choctaw, wherein a decision rejecting him was entered by the Commission on August 6, 1903.

The evidence in this case shows that the applicant bases his claim to a right to identification on his descent from a full-blood Choctaw Indian named Nelson.

The claimant, who gives testimony in the case, states he does not believe his ancestor Nelson complied with the 14th article of the Choctaw treaty of 1830, and as to whether any of his Choctaw ancestors lived in the old Choctaw Nation in Mississippi in 1830 and took land under this provision, he is unable to state. He is unable to testify that his ancestor Nelson had any improve-

ments in the Choctaw Nation, except that his mother said he did.

The commission rejected the applicant for the reason that it does not appear that he has ever been admitted to citizenship in the Choctaw Nation by any competent authority, nor does it appear from their records that any person by the name of Nelson signified his intention to comply with the provisions of article 14 of the Choctaw treaty of 1830, or was a beneficiary thereunder.

The only persons of the surname of Nelson who were claimants for benefits under the 14th article of the Choctaw treaty were Jesse Nelson and Joe Nelson, his father. Both of these persons were rejected on their application because of failure to fully comply with the provisions of the 14th article of said treaty. There was no beneficiary under the 14th article who had the simple name of Nelson without any other given name or surname. It is evident, therefore, that the ancestor of the applicants in this case was not a beneficiary under the 14th article and I am accordingly convinced that the decision of the commission rejecting him was correct and recommend that it be approved.

Very respectfully,

A. C. TONER,

Acting Commissioner.

(K.B.H.) P.

D.C.12173-1904
I.T.D.1674-1904
LRS

(Copy)

J.W.H.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 22, 1903, you transmitted the record in the matter of the application of Thomas Vaughn for identification as a Mississippi Choctaw.

This applicant alleges that his father was a full blood Choctaw named Nelson. He is unable to show whether Nelson was the surname or given name of his father, and has no knowledge whatever that the latter complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

From the report of the Acting Commissioner of Indian Affairs of February 26, 1904, it appears that Joe and Jesse Nelson applied for the benefits of article 14 of the treaty of 1830, but did not comply with the requirements prescribed therein as to residence.

It is unnecessary to inquire whether the descendants of

Joe or Jesse Nelson would be entitled, under the circumstances, to identification, in view of the fact that it is impossible to determine from the testimony that Thomas Vaughn, the applicant, is a descendant of either.

In his said report the Acting Commissioner recommends that your decision of August 6, 1903, adverse to the applicant, be approved. In this recommendation the Department concurs. Said decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

COPY!

M.C.R. 7254

Muskogee, Indian Territory, April 30, 1904.

Thomas Vaughn,

Fallis, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

M.C.R. 7254

COPY:

Muskogee, Indian Territory, April 30, 1904.

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

Gentlemen:

You are hereby advised that on the 15th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Thomas Vaughn for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

7254

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name

Thomas Vaughn

Age

77.

Blood

1/2.

Post Office,

Fallis, Ok. Ter.

Father:

Nelson

Mother:

Elsie Dawson

Claims through

father.

Children:

Stenographer Clara M. Wood.

FOR IDENTIFICATION AS
'A MISSISSIPPI CHOCTAW

Thomas Vaughn

REFUGEE

SECRETARY OF INTERIOR.

NOTICE OF DEPORTATION
APR 19 1951

APR 19 1951

U.S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D.C.

Choctaw MCR 7255

Samuel P. Freeman

MCR 7255

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, March 23, 1903.

In the matter of the application of Samuel P. Freeman for the identification of himself and his eight minor children Price, Daniel, Henry, Carrie, Cora Belle, William B., Eliza and McKinley Freeman as Mississippi Choctaws.

Samuel P. Freeman being first duly sworn testified as follows :

Examination by the Commission:

- Q What is your name? A Samuel P. Freeman.
 Q How old are you? A Forty five.
 Q What is your post office address? A Omba Missouri.
 Q How much Choctaw blood do you claim to be possessed of?
 A One eighth.
 Q How long have you resided in the state of Missouri?
 A Forty five years.
 Q All your life? A Yes sir.
 Q Never lived any where else? A Not only just a year or two at a time.
 Q What is the name of your father ? A Samuel Freeman.
 Q Is he living or dead? A He's dead.
 Q What is the name of your mother? A Celie Freeman.
 Q Is she living or dead? A Dead.
 Q Through which one of your parents do you claim your Indian blood? A Father.
 Q Your mother was a white woman? A Yes sir.
 Q When did your father die? A He died in 1878, I believe.
 Q How old was he at that time? A Fifty six years old.
 Q Where did he die? A Died in Douglas County Missouri.
 Q How long did he live in Missouri before his death? A I cant tell you how long. He come there when he was a boy like; I don't know just how long.
 Q Came there when he was a boy? A Yes sir I think he was about sixteen when he came to Douglas County Missouri.
 Q Where did he live before he moved to Missouri? A In North Carolina.
 Q Was he born in North Carolina? A I think he was born in Mississippi.
 Q What was the name of your father's father? A Aaron Freeman, was my grandfather.
 Q What was the name of your father's mother? A Alabath Freeman, her name was Ball.
 Q Which one of these persons were possessed of Choctaw Indian blood? A Alabath Ball.
 Q Your paternal grandfather was a white man ? A yes sir.
 Q How much Indian blood did Alabath Ball possess? A One half.
 Q When was she married to your grandfather? A In the state of Mississippi I think.
 Q Do you know when this marriage took place? A No sir I do not.
 Q How long did she live in Mississippi? A I cant tell you that.
 Q They were married there so I understand.
 Q Did they move to North Carolina? A Yes sir.
 Q Did they come out to Missouri with your father? A Yes sir.

- Q They live there and died in the state of Missouri after that time? A Yes sir.
- Q What was the name of your mother? A Melia Freeman.
- Q When were your father and mother married? A I cant tell you when they were married.
- Q Do you know where they were married? A Yes sir.
- Q Where was it? A In Ozark County Missouri.
- Q Have you any evidence of their marriage? A Yes sir. The evidence is here already.
- Q Already filed in another case? A Yes sir; I sent them in here to Thomas & Harrison.
- Q Have you got any children? A Yes sir.
- Q How many? A Eight minor children.
- Q Give me the names of your children who are unmarried and under age. A Price Freeman.
- Q How old? A Eighteen past.
- Q Next? A Sixteen, Daniel.
- Q Next one? A Henry; same age; sixteen; they are twins.
- Q What is the name of the next one? A Carrie.
- Q How old is she? A Thirteen.
- Q What is the name of the next one? A Cora Belle.
- Q How old is she? A Ten.
- Q What is the name of the next one? A William B.
- Q How old is he? A He's eight.
- Q What is the name of the next one? A Eliza.
- Q How old is she? A Six.
- Q What is the name of the next one? A McKinley.
- Q Boy? A Yes sir.
- Q How old is he? A Four.
- Q Is that all? A That's all.
- Q All these children are living with you in the state of Missouri? A Yes sir.
- Q Is your name or the names of any of the children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application to the tribal authorities of the Choctaw Nation to be enrolled as a member of that tribe?
- A No sir.
- Q So far as you know you have never been recognized as a member of the Choctaw Nation? A No sir..
- Q Did you or any one else for you ever make application to the Commission in 1896 for the admission of yourself and children to citizenship in the Choctaw Nation? A No sir not that I know of they didnt.
- Q Have you ever made application prior to this time to this Commission for citizenship in the Choctaw Nation?
- A Never have.
- Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and your minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek on September 27 1830? A Yes sir.

That fourteenth article is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall

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

Q Do you understand that provision of law? A I don't know whether I do or not.

This treaty of 1830 was concluded between the United States and the Choctaw Indians for the purpose of removing the Choctaw nation from the state of Mississippi ever in the Indian Territory; at that time provision was made for such Choctaw Indians as desired to remain in the state of Mississippi and not remove with the balance of the tribe to the Indian Territory; they were to signify their intention of remaining within six months after the ratification of that treaty and were then entitled, each head of a family was entitled to 640 acres, each child over ten years of age to 320 acres and each child under ten years of age to 160 acres; the last provision of the fourteenth article was:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that any Choctaw Indian could remove afterwards to the Choctaw Nation but was not to be entitled to any of the moneys belonging to the Choctaw tribe; would simply be entitled to his pro rata share of the land.

- Q Do you claim under that fourteenth article of the treaty?
A I reckon so.
Q Do you understand it now? A I don't know as I do.
Q Do you know whether any of your Choctaw ancestors ever complied with this article fourteen of the treaty of 1830?
A Yes sir I understand my grandmother did and failed.
Q You understand your grandmother attempted to comply with that fourteenth article? A Yes sir.
Q Did she attempt to obtain land in Mississippi? A Yes sir.
Q What was her name? A Alabath Freeman, Ball was her maiden name.
Q She was of age in 1830 and had children? A Yes sir.
Q She didn't remove with the balance of the tribe to Indian Territory? A No sir she did not.
Q Did any of your Choctaw ancestors ever have any improvements in the state of Mississippi, hold any lands and have improvements on that land? A I don't know whether they owned land; they had improvements but I don't know whether they owned any land or not.

- Q Were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe in the old Choctaw nation in Mississippi?
- A I don't know.
- Q Were any of your Choctaw ancestors located in the Choctaw Nation Indian Territory? A No sir not that I know of.
- Q Did any of your Choctaw ancestors ever signify their intention of remaining in the state of Mississippi in the old Choctaw Nation at the time of this treaty of 1830?
- A I don't know; I can't answer that; I don't know whether they did or not.
- Q Did any of your Choctaw ancestors ever claim or receive land in Mississippi from the government of the United States under the provisions of this article fourteen?
- A I think not; they didn't receive any.
- Q They attempted to receive some? A Yes sir they attempted to receive some but they failed.
- Q Do you know why they didn't receive this land? A I've understood it was Colonel Ward turned them off and I don't know why.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek which I have just explained to you the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain and take land in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify their intention to remain in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek; on this account in many instances land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land; this action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act which was approved March 3 1837 providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws made complaint that they had complied with the provisions of article fourteen but had received no benefits thereunder; on August 23 1842 another Commission was appointed for the same purpose; this second commission also heard the cases of Choctaws who claimed that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but had never received any benefits thereunder.

- Q Did any of your Choctaw ancestors appear before either of these commissions appointed under act of Congress approved March 3 1837 or August 23 1842 and attempt to establish their rights under article fourteen of this treaty of 1830?
- A Not that I know of.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government of the United States under the act approved August 23 1842? A Not that I know of.
- Q You never heard of any patent or scrip having been issued by the government any of your ancestors? A No sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I do not know.

- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A I dont know.
- Q Have you any witnesses you desire to have heard in regard to your case? A No.
- Q Have you any written evidence? A A Yes I have evidence of my marriage.

There is offered in evidence marked Exhibits A and B and made part of the record in this case the affidavits of William James relative to Samuel and Gelia Freeman; also the affidavit of John F. Turnbull relative to the marriage of Samuel P. Freeman and Rebecca E. Pierce.

- Q Is there any additional evidence you wish to introduce?
A No sir.

You are allowed thirty days from this date to introduce any additional evidence in regard to your rights; at the end of that time no extension will be given.

- A I want my case consolidated with John H. Bennight and John F. Turnbull.

- Q Is there any other case to which you wish to make reference; have you got any grown children who are applicants?

- A Yes sir; she has already been here and registered, Mary E. Wake.

- Q Is that the only grown child you have? A Yes sir.

The applicant is light complected; sandy mustache; blue eyes; brown hair and has none of the characteristics of an Indian.

Clara Mitchell Wood being duly sworn upon her oath states that she reported the above case on the 23rd day of March 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 25th day of March 1903.

Charles Nesmyer

Notary Public.

COPY. M. O. R. 7255.

Muskogee, Indian Territory, June 15, 1904.

Samuel P. Freeman,
Omba, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Price Freeman, Daniel Freeman, Henry Freeman, Carrie Freeman, Cora Belle Freeman, William B. Freeman, Eliza Freeman and McKinley Freeman.

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

Respectfully,
Yours truly,

Registered,

Tatno Bixby

M.C.R. 7255

Muskogee, Indian Territory, May 2, 1905.

Samuel P. Freeman,
Osba, Missouri,

Dear Sir:

You are hereby notified that on the 21st day of April 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Benninght, et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Samuel P. Freeman

Age 45. Blood 1/8.

Post Office, Omba Mo.

Father: Samuel Freeman (dead)

Mother: ^{Julia} Sealy " (dead)

Claims through father.
wife (not given)

Children:

- Price 18 yrs.
- Daniel 16 "
- Henry 16 "
- ~~Carrie~~ 13 "
- Cora Belle 10 "
- William B. 8 "
- Eliza 6 "
- McKinley 4 "

Stenographer Clara M. Wood.

A MISSISSIPPI

REFUSED

Samuel P. Freeman

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 1 1904

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT,
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW

6255

Choctaw MCR 7256

Raymond E. Harper

MCR 7256

K C - 7256

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskeges, Ind. Ter., March 23, 1903.

In the matter of the application of Raymond E. Harper
for identification as a Mississippi Choctaw.

Attorneys: Thomas & Harrison; Mr. Harrison being present.

Examination by the Commission.

Raymond E. Harper, after being duly sworn, testified as follows:

- Q What is your name? Raymond E. Harper.
Q How old are you? I am 29.
Q What is your post-office address? Chandler, Oklahoma.
Q How long have you resided in Oklahoma? A About 11 years; ever since that country opened up.
Q Where did you live before that? A In Cowley County, Kansas.
Q How long did you live in the State of Kansas? A Fourteen years.
Q Where did you live before you made your home in Kansas? A In Scott County, Illinois.
Q Were you born in Illinois? A Yes sir.
Q And you lived there all your life previous to your going to Kansas? A Yes, sir.
Q You lived in Kansas 14 years and then went to Oklahoma where you have since resided? A Yes, sir.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is the name of your father? A Charles F. Harper.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Ellen E. Harper.
Q Is she living or dead? A She is living.
Q Through which parent do you claim your Indian blood? A My father.
Q How much Choctaw blood does your father claim to have? A One-fourth.
Q Is your mother a white woman? A Yes sir.
Q Where does your father live? A Chandler, Oklahoma.
Q How long has he lived there? A Eleven years.
Q You have lived with him all your life, have you? A I have always made my home with him.
Q He lived in Kansas with you? A Yes, sir.
Q And in Illinois? A Yes, sir.

- Q How old is your father at the present time? A He is 57 I suppose.
- Q Where was your father born? A In Illinois.
- Q What was the name of his father? A William Harper.
- Q Was William Harper a Choctaw Indian? A He was a half-blood.
- Q What was your father's mother's name? A Rebecca Harper.
- Q Was she a white woman? A Yes, sir.
- Q Your claim, then, is through the male line? A Yes, sir.
- Q Is William Harper living? A No, sir.
- Q When did he die? A I cannot say.
- Q Is William Harper your ancestor through whom you claim? A I claim through his father.
- Q What was his father's name? A Charles Harper.
- Q When were your father and mother married? A In February 1871.
- Q Where was the marriage ceremony performed? I cannot say; it was in Illinois.
- Q Have you got any evidence of the marriage of your parents? A Not with me; I can get it here in town, my father as the certificate.

It will be necessary that the Commission be supplied with evidence of the marriage of your parents; and this evidence must be filed with the records of the Commission within the next thirty days.

- Q Do you know anything about your paternal grandfather and grandmother? William and Rebecca Harper? A No sir.
- Q Do you know where they were married? A No sir.
- Q Do you know when they were married? A No sir.

It will be necessary that the Commission be supplied with this evidence also.

- Q What was your great-grandmother's name, the wife of Charles Harper? A I don't know. I can't give her full name--her last name was Chearham before she was married.
- Q Was she a white woman? A Yes sir.
- Q She had no Indian blood? A No sir.
- Q You claim your Indian descent through your father? A Yes sir.
- Q And through your grandfather back to your great-grandfather? A Yes sir.
- Q Are you married? A No, sir.
- Q You have no children? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the Choctaw tribe of Indians? A No sir.
- Q Were you ever recognized by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory? A No sir.
- Q Did you ever make application to this Commission prior to this time for enrollment as a citizen of the Choctaw tribe of Indians? A No, sir.
- Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830? A Yes sir.

That 14th article of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 entitled to any portion of the Choctaw annuities."

- Q Do you understand that 14th article which I have just read? A Yes, I think I do.
- Q This is the provision of law under which you claim your right as a Mississippi Choctaw, is it? A If I understand it right, it is.
- Q Do you claim that some one of th your Choctaw ancestors remained in the State of Mississippi after the ratification of this treaty and took lands there? A No, I don't think they did.
- Q The 14th article provides that in case any Choctaw Indians desired to remain in Mississippi after the treaty of 1830 was concluded, which treaty was made for the purpose of removing the Choctaw Indians in Mississippi in the old Choctaw Nation to the new Choctaw Nation in Indian Territory, and if such Indians desired to remain in Mississippi, and should go before the United States Indian agent within six months after the ratification of that treaty, that is, within six months after Feb. 24, 1831, and signify to him their intention of remaining in Mississippi and taking lands and becoming citizens of the states, each of them should be entitled to 640 acres of land for the head of the family, 320 acres for each child over ten years of age and 160 for each child under ten years old, and this reservation should include a whole or a portion of his improvements on this land down there. They were required by the treaty to live on the lands for five years after the treaty was ratified, and then they were entitled to a grant in fee simple to the land and could dipose of it in any way they saw fit. The last clause of that article reads "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 annuities." This clau as means that if any of the Choctaws chose to move from Mississippi at any time they should not be entitled to any of the moneys belonging to the tribes, but they should not lose the right of citizenship by so leaving.
- Q How do you understand it? A I guess so.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the 14th article of the treaty of 1830 which I have just explained? A I think they attempted to comply with it.

- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was concluded? A I don't think so.
- Q Were any of your Choctaw ancestors recognized members of the of the tribe in Mississippi at that time, in 1830? A I don't know.
- Q Did any of your Choctaw ancestors own improvements at that time upon what constituted the old Choctaw Nation in the states of Alabama and Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors remove with the body of Indians who came from the old Choctaw Nation in Mississippi to the Choctaw Nation in Indian Territory between the years 1830 and 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors ever signify their intention to the Indian Agent of the government to remain there in Mississippi and take lands and become citizens of the States under the provisions of the 14th article of the treaty of "Dancing Rabbit Creek"? A I don't know.
- Q Did any of your Choctaw ancestors ever claim to receive from the government of the United States any lands in the state of Mississippi? A Not that I know of.

It appears that some of the Choctaw Indians who desired to comply with the provisions of this 14th article of the treaty of 1830 were deprived of their land through the failure of the Indian Agent in Mississippi to register their names; and by acts of Congress passed March 3, 1837 and August 23, 1842, commissions were appointed to inquire into these claims and to get the names of such Choctaw Indians who were so deprived of their land through the failure of the agent to properly note their names and the lands they desired to live on.

- Q Do you know whether any of your ancestors ever made application to one of these commissions? A I don't know.
- Q Did any of them ever receive a patent to lands from the government in Mississippi or Alabama? A I don't know.
- Q Did any of your ancestors ever receive any scrip from the government? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A Not that I know of.
- Q Got any witnesses or other evidence you desire to introduce at this time? Not right now.
- Q Got any written evidence you desire to introduce now? A No, sir.

You will be allowed thirty days from this date in which to introduce additional evidence in support of your claim; and no extension of that time will be allowed except upon a written motion filed with the Commission, made in writing, and shewing good ground for the extension.

- Q Have you any further statement you wish to make at this time? A No, sir.
- Q No further statement to make in support of your application? A No, sir.

Raymond H Harper - 6

- Q Is there any other case to which you wish your case referred and considered with yours by the Commission? A No, sir.
- Q Has your father applied here for identification as a Mississippi Choctaw? A Yes, sir.
- Q You want your case considered with his? A Yes, sir.

Reference is made to the case of Charles F. Harper, M C R 7078 and John Harper, M C R 7079, for the purpose of consolidation.

The applicant has dark straight hair, gray eyes, and rather high cheek bones. With this last exception he is to all appearances a white man.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, after being duly sworn states that as such stenographer he reported the proceedings in the above application on March 23, 1903, 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 March 30 1903.

Charles H. ...

Notary Public

M C R 7256

Muskogee, Indian Territory, November 6, 1903.

Raymond E. Harper,
Chandler, 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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Raymond E. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7256

Muskogee, Indian Territory, March 19, 1904.

Raymond E. Harper,

Chandler, Oklahoma 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 your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

Muskegee, Indian Territory, June 26, 1905.

Raymond E. Harper,
Chandler, 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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1910

Name Raymond E. Harper

Age 29. Blood 1/8.

Post Office, Chandler, Ok. Ter.

Father: Chas. J. Harper

Mother: Ellen E. Harper;

Claims through father.

Children:

Stenographer

J. A. Apple.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Raymond E. Harper

SENDER

MAR 4 1904

COPY OF ...
ATTORNEY FOR APPLICANT

MAR 5 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF ...
ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.
MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
NATIONS.
JUN 26 1905

Choctaw MCR 7257

Chester G. Harper

MCR 7257

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., March 23, 1903.

In the matter of the application of Chester G. Harper
for the identification of himself and his minor child, Clide B.
Harper, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.
Mr. Harrison present.

Chester G. Harper, after being duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Chester G. Harper.
Q How much Choctaw blood do you claim to be possessed of? A One-eighth.
Q What is your post-office address? A Chandler, Oklahoma.
Q How old are you? A I am 22 years old.
Q How long have you lived in Oklahoma? A Somewhere since 1891, I believe.
Q Have you lived there continuously since 1891? A Yes sir.
Q Where did you live previous to that time? A In Cowley County, Kansas.
Q How long did you live in Kansas? A Ever since we came to that country.
Q When was that? A I don't know exactly.
Q Were you born in Kansas? A Yes sir.
Q Did you live there until you moved to Oklahoma? A Yes, sir.
Q What is the name of your father? A Charles F. Harper.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Ellen B. Harper.
Q Is she living or dead? A She is living.
Q Through which parent do you claim your Indian blood? A My father.
Q What was your father's father's name? A William Harper.
Q Was he possessed of Choctaw Indian blood? A Yes, sir.
Q What was his wife's name? A Rebecca Harper.
Q Was she a white woman? A Yes sir.
Q What was William Harper's father's name? A Charles Harper.
Q Was he possessed of Choctaw Indian blood? A Yes sir.
Q What was his wife's name? A I don't know, but given name, her last name was Cheatham before she was married.
Q Was she a white woman? A Yes, sir.
Q You claim your right, then, through Charles Harper? A Yes, sir.
Q Were your father and mother legally married? A Yes, sir.
Q Do you know where they were married? A No, sir.

Q Have you any evidence of their marriage? A No, sir.

It will be necessary that you furnish the Commission with some evidence of your parents' marriage. You will be allowed thirty days for this purpose.

Mr. Harrison:

We desire to ask time in which to file this evidence.

Thirty days from this date will be allowed within to file this evidence with the Commission.

Q You say your grandparents were legally married? A Yes, sir.
Q Have you any evidence of their marriage? A No sir.

It will be necessary that the Commission have evidence of their marriage also.

Q Were Charles Harper and his wife legally married? A Yes sir.
Q You have no evidence of their marriage with you? A No sir.

The evidence of this marriage must also be furnished the Commission.

Q Are you married? A Yes, sir.
Q What is the name of your wife? A Pauline Pearl Harper.
Q Is she a white woman? A Yes, sir.
Q She doesn't claim to be possessed of any Indian blood? A No, sir.
Q Have you got any children? A Yes, sir.
Q How many? A One.
Q What is its name? A Clide B. Harper, a boy.
Q How old is he? A A year and over, nearly two years old.
Q You also wish to make application for him? A Yes, sir.
Q Have you any evidence of your marriage to your wife? A Yes sir.
Q With you? A yes sir.

There is offered in evidence, marked exhibit A and made a part of the record in this case, the marriage license issued by John C. Foster, probate judge, and a certificate of marriage of Charles Harper and Miss Pearl Weltzheimer on the 16th day of September 1900.

Q Are you and your wife the identical persons referred to in this marriage certificate? A Yes, sir.
Q Is your name or the name of your child found upon any of the rolls of citizens of the Choctaw Nation? A No, sir.
Q Have you ever applied to the tribal authorities of the Choctaw Nation for admission to citizenship in that nation? A No, sir.
Q Is this the first time you have ever applied to this Commission for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now appear before the Commission for the purpose of claiming rights in the lands of the Choctaw Nation under the provisions of the 14th article of the treaty of 1830 concluded between the government of the United States and the Choctaw Indians in Mississippi, on September 27, 1830; do you claim under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q That 14th 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 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 entitled to any portion of the Choctaw annuities."

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

Mr. Harrison:

I think he understands it well enough to claim under it. It has been explained to him fully.

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own improvements at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of them remove from that old Choctaw Nation in Mississippi to the new Choctaw Nation in Indian Territory? A I don't know.
- Q Were any of your Choctaw ancestors ever in Indian Territory? A. Not that I know of.
- Q Did any of your Choctaw ancestors signify to the agent of the United States in Mississippi their intention to remain there take lands and become citizens of the states as provided for in this article? A Not that I know of.
- Q Did any of your Choctaw ancestors ever receive any lands in Mississippi from the government? A Not that I know of.

It being claimed after the conclusion of this treaty that certain Indians were not given their claims as provided for, because the Indian Agent did not keep a list of their names properly, there was afterwards passed two acts of congress, one March 3, 1837, and one August 23, 1842, for the purpose of giving these Indians who had been deprived of their lands under the 14th article necessary relief.

- Q Did any of your ancestors ever receive any benefits from either of these commissions? A Not that I know of.
- Q Did any of your ancestors ever receive any scrip from the government of the United States? A Not that I know of.
- Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians in Mississippi? A No, sir.
- Q So far as you know did any of your ancestors ever receive any benefits as members of the Choctaw tribe of Indians? A No sir.
- Q Got any witnesses whom you desire heard at the present time? A No, sir.
- Q Have you got any written evidence which you desire to introduce at this time? A No sir.

You will be allowed thirty days from this date within which to introduce any witnesses or other evidence in support of your claim. After that time no extension of time will be allowed, except upon written motion made to the Commission.

- Q Are there any further statements you desire to make at this time? A No, sir.
- Q Are there any cases to which you would like to refer and have considered with your case? A Yes, sir.

Mr. Harrison:

The case of John Harper has been made the leading case of the descendants of Charles Harper, and we would like this case consolidated with that of John Harper, M C and Charles F. Harper, M C R 7078.

It is requested that the original marriage license filed herein be returned to the applicant after a copy is made.

The applicant has dark brown hair, brown eyes, and has none of the characteristics of an Indian, but appears to be a white man.

S. A. Apple, after being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing application, and that his transcript of the proceedings in said case was a true and correct translation of his stenographic notes in same, to the best of his knowledge and belief.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles Kesewyer
Notary Public.

M. O. R. 7257.

Muskogee, Indian Territory, November 6, 1903.

Chester G. Harper,

Chandler, 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 child 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,

Commissioner in Charge.

E. C. R. 7257.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Chester G. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor child for identification as Mississippi Whostaws, 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,

Commissioner in Charge.

M.C.R. 7257

Muskogee, Indian Territory, March 19, 1904.

Chester G. Harper,
Chandler, Oklahoma 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 of yourself and son, Glide B. Harper, is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7257

Muskegee, Indian Territory, June 26, 1905.

Chester G. Harper,
Chandler, 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 19th day of March 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Chester G. Harper

Age 22 Blood 1/8

Post Office, Chandler, Ok. Ter.

Father: Chas. A. Harper.

Mother: Ellen E. Harper.

Claims through father

Children:

Clide B Harper, 2 yrs.

MISSISSIPPI
Chester A. Harper, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT:

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

3570

Choctaw MCR 7258

Maurice Albert Harper

MCR 7258

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., MARCH 23, 1903.

In the matter of the application for the identification of Maurice Albert Harper and his child, Virddie May Harper, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant; Mr. Harrison present.

Maurice Albert Harper, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Maurice Albert Harper.
Q How much Choctaw blood do you claim to be possessed of? A One-eighth.
Q What is your age? A Twenty-six.
Q What is your post-office? A Chandler, Oklahoma.
Q How long have you resided in Chandler? A Eleven years.
Q Where did you live previous to that time? A Cowley County, Kansas.
Q How long did you live in Kansas? A Fourteen years.
Q Where were you born? A Scott County, Illinois.
Q Did you live in Illinois until you moved to Kansas? A Yes, sir.
Q What is the name of your father? A Charles F. Harper.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Ellen H. Harper.
Q Is she living or dead? A She is living.
Q Through which one of your parents do you claim Choctaw blood? A My father.
Q What is the name of your paternal grandfather? A William Harper.
Q Was he possessed of Choctaw Indian blood? A Yes, sir.
Q What is the name of your paternal grandmother? A Rebecca Harper.
Q Did she have any Indian blood? A No sir.
Q Was she a white woman? A Yes, sir.
Q What was the name of William Harper's father? A Charles Harper.
Q He was your grandfather's father? A Yes, sir.
Q Can you give the name of William Harper's mother? A I cannot say what it is, her maiden name was Chatham; that's all I know about it.
Q You claim through Charles Harper? A Yes, sir.

It will be necessary that you furnish the Commission with evidence of the marriage of your parents, also of your grandmothers, William and Rebecca Harper, and of your great-grandfather and his wife. This evidence must be furnished within thirty days from this date.

- Q Are you married? A Yes, sir.
Q Give me the name of your wife? A Hattie Campbell.
Q Is she a white woman? A Yes sir.
Q Have you any children? A I have one.
Q What is its name? A Virddie May Harper.
Q How old is she? A Six weeks old.
Q What is the date of this child's birth? A The 12th of last month.

This child having been born subsequent to September 25, 1902, the date of the ratification of the Choctaw-Chickasaw treaty, the Commission cannot receive application for its enrollment at this time, under the provisions of the act of Congress approved July 1, 1902, commonly known as the Choctaw-Chickasaw agreement.

- Q This is the only child you have? A Yes, sir.
Q Does your name appear upon any of the rolls of the Choctaw Nation? A It does not.
Q Have you been recognized by the tribal authorities of that nation as a citizen of said nation? A No, sir.
Q Have you ever made application to this Commission previous to this time for enrollment as a citizen of the Choctaw Nation? A No, sir.
Q Do you now appear before this Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830?
A Yes, sir, that's the way I understand it.
Q That 14th 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 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 entitled to any portion of the Choctaw annuities."

- Q Do you understand that 14th article? A I think so. I have heard it read two or three times.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the 14th article of the treaty of 1830? A Not that I know of.
Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I think they were.

- Q Did any of your Choctaw ancestors own any improvements at that time in what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors remove with the Choctaw Indians from the old Choctaw Nation in Mississippi to the new Nation in Indian Territory between the years 1833 and 1838? A Not that I know of.
- Q Have any of your Choctaw ancestors ever lived in the Indian Territory? A Not that I know of.
- Q Did any of your Choctaw ancestors ever signify their intention to the Indian Agent in Mississippi to remain in the state of Mississippi and become citizens of the states as provided in the article which I have just read to you? A I cannot say; I don't know.
- Q Did any of your Choctaw ancestors ever receive any land or scrip from the government in the state of Mississippi? A Not that I know of.

It was claimed that under this 14th article of the treaty of 1830 the government agent failed to register a large number of Choctaw Indians who desired to remain in Mississippi and become citizens of the states, and for their relief Congress passed two acts, one March 3, 1837, and one August 23, 1842, creating commissions which were to go to Mississippi and inquire into these claims of those who had been thus deprived of their lands by the failure of the Indian Agent to register their names properly.

- Q Do you know whether any of your Choctaw ancestors ever applied to either of these commissions for land or scrip that was coming to them? A I have heard that they did; that's all that I can say. I have heard that they did.
- Q You don't know whether they ever received any patent to lands in Mississippi or ever received any scrip from the United States government? A I don't know.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians? A I do not know.
- Q So far as you know did any of them ever receive any benefits whatever as Choctaw Indians? A Not to my knowing.
- Q Have you got any witnesses you desire to be heard in your behalf? A No I believe not.
- Q Have you got any written evidence to introduce to-day in support of your application?

Mr. Harrison:

We desire to introduce in evidence in this case the marriage certificate of the marriage of the parents of the applicant.

There is offered in evidence, marked Exhibit A and made a part of the record in this case, a marriage certificate issued by T. N. McCroke, certifying that on Feb. 20, 1871, he united in marriage Charles F. Harper and Miss Ellen Eekles.

- Q Is the Charles F. Harper and Ellen Eekles referred to in this marriage certificate your father and mother? A Yes, sir.

You will be allowed thirty days to offer any additional evidence you may have in regard to your right to identification as

a Mississippi Choctaw. At the end of that time no extension will be allowed except upon written motion to the Commission showing cause for the extension.

- Q Is there anything further you wish to state at this time in support of your claim? A That's all I know of.
- Q Will you state the names of your brothers and sisters? A. Raymond E. Harper, Maurice Albert Harper, Dora Fleming, Aley Elizabeth Harper, Ida E. Redick, Chester G. Harper, Edwin Harper, and Pansy E. Munson.

The applicant has dark brown hair, light mustache, light brown eyes, full face, and has none of the facial characteristics of an Indian.

Mr. Harrison:

- Q Have any of your Choctaw ancestors ever tried to get lands in Mississippi in 1830 as Choctaw Indians? A Not that I know
- Q The only means you have of knowing what you testify to is from family history and tradition, is it not? A. Yes, just what I have heard through the family is all I know.
- Q Have you heard through the family that any of your Choctaw ancestors received any land or other benefits from the government of the United States? A I have heard that they were entitled to it and never got it. I have heard through my father they were entitled to it.
- Q Which one was entitled to it? A I suppose all of them ; I don't know which one.
- Q Have you heard it discussed by members of the family which one? A No, sir.

S. A. Apple, states on oath that as stenographer to the Commission to the Five Civilized Tribes he reported the application of Maurice Albert Harper for identification as a Mississippi Choctaw, and that the foregoing is a true and correct transcript of the stenographic notes in said case taken on March 25, 1903.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles Kesawys

Notary Public.

M.C.R. 7258.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Maurice A. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself 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,

Commissioner in Charge.

M.C.R. 7258.

Muskogee, Indian Territory, November 6, 1903.

Maurice A. Harper,

Chandler, 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,

Commissioner in Charge.

M. C. R. 7256.

Muskogee, Indian Territory, March 19, 1904.

Albert Maurice Harper,
Chandler, Oklahoma.

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 minor child, Virddie May, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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.

M C R 7258

Muskegee, Indian Territory, June 26, 1905.

Maurice Albert Harper,
Chandler, 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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name *Maurice Albert Harper*Age *26.* Blood *1/8*Post Office. *Chandler, Ok Ter.*Father: *Chas. F. Harper* ✓Mother: *Ellen E. Harper* ✓Claims through *father*Wife
Hattie Campbell Harper

Children:

~~*Vivie May Harper*~~
*Vivie May Harper - G.W**J. A. Apple*

"Exd"

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[Faint handwritten notes]

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7258

Scott County, Ill., 187 .

I.....

hereby certify that on this day I joined in Marriage. with

.....agreeably to law

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

5870

Choctaw MCR 7259

Pansey E. Munson

MCR 7259

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., March 23, 1903.

In the matter of the application for the identification
as a Mississippi Choctaw of Pansy E. Munson.

Thomas & Harrison, attorneys; Mr. Harrison present.

Pansy E. Munson, after being duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Pansy E. Munson.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your age? A I am 20 years old.
Q What is your post-office? A Chandler, O. T.
Q How long have you resided in Oklahoma? A About 11 years.
Q Where did you live previous to that time? A In Kansas.
Q How long did you live in Kansas? A About nine years.
Q Did you always live there previous to your going to Oklahoma?
A Yes, sir.
Q What is the name of your father? A Charles F. Harper.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Ellen E. Harper.
Q Is she living or dead? A She is living.
Q Through which one of your parents do you claim Choctaw Indian
blood? A My father.
Q What was your father's father's name? A William Harper.
Q What was your father's mother's name? A Rebecca Harper.
Q Through which one of those ancestors do you claim your Choctaw
descent? A Through William Harper.
Q Was Rebecca Harper a white woman? A Yes, sir.
Q What was William Harper's father's name? A Charles Harper.
Q What was his mother's name? A William Harper's mother's
name? I can't say.
Q Was Charles Harper a Choctaw Indian? A Yes, sir.
Q Do you know where Charles Harper was living during his life?
A No.
Q Do you know how much Choctaw Indian blood he had? A I can't say.

It will be necessary that the Commission be supplied with
evidence of the marriage of your parents, your grandparents,
William and Rebecca Harper, and your great-grandfather, Charles
Harper, and his wife.

- Q Are you married? A Yes sir.
Q What is the name of your husband? A Lewis O. Munson.
Q Is he a white man? A Yes, sir.
Q Have you any children? A No, sir.
Q When were you married to him? A Last September.
Q Got any evidence of your marriage? A Yes, sir.

There is offered in evidence, marked Exhibit A, and made part of the record in this case, a marriage license issued by Rev. W. W. Morrow, stating that on September 8, 1902, he united in marriage Lewis O. Munson and Pansy E. Harper.

- Q Was your name ever placed upon the rolls of the Choctaw Nation as a citizen of said nation? A Not that I know of.
Q Did you or any one fr you ever make application to the tribal authorities of the Choctaw Nation in Indian Territory to be enrolled as a citizen of that tribe? A I cannot say.
Q Did you ever make application to this Commission in 1896 for admission to citizenship in the Choctaw Nation, or did any one else make such application for you? A Not that I know of.
Q This is the first time you have ever made application to this Commission? A. Yes, sir.
Q Do you now appear before the Commission to claim rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830 between the United States and the Choctaw Nation, concluded September 27, 1830; do you claim under that article? A I guess so.
Q The 14th 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 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 entitled to any portion of the Choctaw annuities."

- Q Do you understand that provision of law? A I guess I do.
Q It has been explained to you, hasn't it? A Yes, sir.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article just explained to you? A I don't know.
Q Were any of your Choctaw ancestors living in the old Nation in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I cannot say.
- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in Mississippi and Alabama in the year 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi between 1830 and 1840 when the greater portion of the Choctaw Indians came to Indian Territory? A Not that I know of.
- Q Were any of your Choctaw ancestors ever recognized as members of that tribe of Indians? A I cannot say.
- Q Did any of your Choctaw ancestors signify their intention to the Indian Agent in Mississippi to remain and take lands and become citizens of the states under the provisions of the 14th article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim to receive any lands from the government under this 14th article of the treaty of 1830? A I don't know.

It has been claimed that under this 14th article of the treaty of 1830 the Indian Agent failed to register the names of a great many Choctaws who came to him and signified their intention of remaining to take lands and become citizens of the states, and to give relief to those who had thus been deprived of their lands, Congress passed two acts, one March 3, 1837, and one August 23, 1842, under which acts commissions were created to go to Mississippi and hear the complaints of those who had been deprived of lands by the failure of the Agent to properly note their names.

- Q Do you know whether any of your ancestors ever went before either of these commissions to obtain lands under the provisions of this 14th article of the treaty of 1830? A No sir.
- Q Do you know whether any of your ancestors ever received a patent to lands or any scrip from the United States government? A Not that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians from the United States government? A No, sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians in Indian Territory? A I don't know.
- Q Have you any witnesses whom you desire to introduce at this time in support of your application? A No sir.
- Q Got any written evidence to file in your case? A No sir.

You will be allowed thirty days from this date within which to present any evidence you may have in support of your said claim to identification as a Mississippi Choctaw. No extension of this time will be allowed, except upon written motion to the Commission showing cause for such extension.

Pansy E Munson - 4

Q Please state the names of your brothers and sisters. A Raymond E. Harper, Dora Fleming, Maurice Albert Harper, Aley E. Harper, Chester G. Harper, Edwin Harper, and Ida E. Redick.

The applicant has brown hair, grey eyes, light complexion, and to all appearances is a white person possessed of no Indian blood.

By Mr. Harrison.

- Q What information have you that your Choctaw ancestors never received any benefits from the United States government in Mississippi under the treaty of 1830? A None.
- Q You have never heard it talked about? A No, sir.
- Q Is it not a fact that at the present time and for quite a number of years past you now live and have lived separate and apart from your relatives, and for this reason you have never heard this matter discussed very much? A Yes, sir.
- Q You have not heard the family history talked very much? A No sir.

S. A. Apple, states on oath that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on March 23 1903, and that the foregoing is a true and correct transcript of his stenographic notes taken in said case on that date.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles H. Sawyer
Notary Public.

M.C.R.7259.

Muskogee, Indian Territory, November 6, 1903.

Pansey E. Munsen,
Chandler, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, 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,

Commissioner in charge.

M.C.R. 7259.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Pansey E. Munson that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7259

Muskogee, Indian Territory, March 19, 1904.

Pansy E. Munson,

Chandler, Oklahoma Territory,

Dear Madam:

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 your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7259

Muskogee, Indian Territory, June 26, 1905.

Pansy E. Munson,
Chandler, Oklahoma.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

No. 7259

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Pansy E. Munson

Age 20. Blood 1/8.

Post Office, Chandler, Ok. Ter.

Father: Chas. F. Harper L

Mother: Ellen E. Harper L

Claims through father

Children:

Stenographer

J. A. Apple

MISSISSIPPI CHOCTAW
Parsey E. Minson

DECISION REVERSED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904.

ACTION APPROVED BY
SECRETARY OF INTERIOR.
MAR 3 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

2570

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

FILED

MAY 2 1904

[Handwritten signature]



11144



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



594

Pansy E. Munson,

Chandler, Oklahoma.

MAR 24
MUSKOGEE, OKLA.

MAR 24 1904

Choctaw MCR 7260

Omera Floyd Long

MCR 7260

2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., MARCH 23, 1903.

In the matter of the application of Omera Floyd Long for
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.
Mr Harrison, attorney present at this examination.

Omera Floyd Long after being sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Omera Floyd Long.
Q How much Choctaw Indian blood do you claim to have? A One-eighth.
Q How old are you? A I am thirty-two.
Q What is your post-office? A Evanston, Illinois.
Q How long have you resided in the State of Illinois? A Six years.
Q Where did you live before that time? A In Maryland.
Q How long did you live in Maryland? A Four years.
Q Where did you live before that? A In Kentucky.
Q How long did you live in Kentucky? A From my birth, from 1870 until 1893.
Q You lived in Kentucky before you went to Maryland? A Yes, sir.
Q What was the name of your father? A James Biley Long.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Arvilla C. Long.
Q Is she living or dead? A She is living.
Q Through which parent do you claim your Indian blood? A My mother.
Q What was your mother's maiden name? A Cheatham.
Q What was the name of your mother's father? A John Cheatham, Jr.
Q What was the name of your mother's mother? A Harriet Sarrett Cheatham.
Q Through which one of your grandparents do you claim your Choctaw blood? A My grandfather.
Q Was your grandmother a white woman? A Yes, sir.
Q Is John Cheatham dead? A Yes, sir.
Q When did he die? A Some time in 1850, I think. I am not sure.
Q Where was he living? at that time? A Nicholas County, Ky.
Q How old was he at the time of his death? A He dies before I was born and of course I don't remember.

- Q You don't know when he died? A He died in 1852 my mother says.
- Q Do you know how long he lived in Kentucky? A I think he was a native of the state and never lived out of it.
- Q Is he the ancestor through whom you claim your right as a Mississippi Choctaw? A Yes, sir, through John Cheatham, Sr., his father.
- Q What was the name of his wife? A Polly Hanks. Polly Hanks.
- Q Was she an Indian? A Yes, sir, a full blood Indian.
- Q You claim through Polly Hanks? Yes, sir.
- Q Was John Cheatham, Sr., a white man? A Yes sir
- Q Where did Polly Hanks live during her life time? A In Kentucky.
- Q Did she live in any other state? A No, sir.
- Q Did she live in Kentucky all her life? A Yes, sir.
- Q Do you know the date of her death? A No sir.
- Q Her father and mother were of course full blood Indians? A Yes sir.
- Q You don't trace your ancestry back any further, do you? A Yes sir, the father of Polly Hanks was John Hanks.
- Q What was his wife's name? A Mary Ann Hanks.
- Q Are you married? A No sir.
- Q When were your parents married? May 13, 1868.
- Q In the state of Kentucky? A Yes, sir.
- Q Do you know when and where the marriage ceremony was performed? A No sir I don't know the place.
- Q Do you know when and where your grandparents were married? A. I don't know the date. They were married in Kentucky.
- Q Have you any evidence of their marriage? A Yes, sir, it has been filed here in another case.
- Q Did any of your Choctaw ancestors ever live in the state of Mississippi? A Yes, according to family tradition John Hunt lived there. He lived there and moved from Mississippi to Kentucky.
- Q Were you ever recognized or enrolled by the Choctaw tribal authorities as a citizen of said tribe? A No sir.
- Q Did you ever make application to this Commission previous to this time for enrollment as a citizen of the Choctaw Nation? A No, sir.
- Q Do you now wish to make application as a Choctaw Indian entitled to rights in the lands of the Choctaw Nation under the provisions of the treaty of 1830 between the United States and the Choctaw Indians made in Mississippi on September 27, 1830? A I do.
- Q The fourteenth article of the treaty of 1830 reads as follows:
- "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 entitled to any portion of the Choctaw annuities."

- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article? A John Hanks attempted to comply with it.
- Q He was living in the old Choctaw Nation in Mississippi, was he, at the time the treaty was ratified and before? A I don't know when he came to Kentucky, whether it was before or after that time. It is my impression that he was in Kentucky and went back to Mississippi to register, that is what I remember from tradition.
- Q Was he a recognized member of the Choctaw tribe of Indians at that time? A Yes sir He was supposed to be a full blood.
- Q He was a full blood Choctaw Indian? A Yes, he never claimed to be anything else.
- Q Was his mother ever recognized down there in Mississippi; was she registered in Mississippi under the provisions of the 14th article? A I don't know.
- Q Was the name of John Hanks registered in Mississippi under the provisions of the 14th article of the treaty of 1830? A I am not sure whether he was registered or not. There were reasons, however, for his not being able to register.
- Q Did any of your Choctaw ancestors live in Mississippi in 1830? A Not that I know of.
- Q Did any of them ever remove from the old Choctaw Nation in Mississippi with the bulk of the Indians who went to Indian Territory between 1833 and 1838? A I don't know about any of them except John Hanks and he did not.
- Q He was in Kentucky at that time? A Yes, sir.
- Q And he went back to Mississippi to register? A Yes, I think he did. He was in Mississippi several months.
- Q How long did he remain in Mississippi when he went back? He was there 8 or 9 months according to family tradition.
- Q Did any of your Choctaw ancestors ever signify their intention to the Indian Agent therein Mississippi to remain in Mississippi and become a citizens of the states and of taking land there? A That was Hanks' purpose in going back there. For some reason he did not get his reservation. The failure of Ward who was there to register his name prevented his getting his claim, I believe.

On account of this failure of the Indian Agent to register the names of those who went before him and signified their intention of remaining and taking lands and becoming citizens of the states Congress passed an act March 3, 1837, and another August 23, 1842, for the relief of those who had been deprived of their land, creating two commissions whose duty it was to go to Mississippi and make inquiries of those who had suffered from the neglect of the Indian Agent to properly record their names.

- Q Do you know whether any of your Choctaw ancestors ever applied to either of these commissions? A My understanding is John Hanks was dead at that time.
- Q Did any other of your Choctaw ancestors go before these commissions? A I don't know.
- Q You don't know of any of your Choctaw ancestors getting any scrip from the United States government, or getting other benefits from the government, do you? A No sir.
- Q So far as you know were any of your Ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi? A A Not that I know of.
- Q So far as you know did any of them ever receive any benefits from the United States as Choctaw Indians? A Not that I know of.
- Q Have you any witnesses you desire to introduce at the present time? A No, sir.
- Q Got any written evidence to file in support of your claim? A No sir.

You will be allowed thirty days from this date in which to submit any evidence you may have in support of your application; and no extension of this time will be allowed except upon written motion filed with the Commission showing cause for such extension.

- Q Are there any other cases you desire to have considered with yours. A Yes, sir.

For the purpose of consolidation reference is made to the case of Christopher C. Hanks, M C R 6508.

- Q Are you related to C. C. Hanks? A Yes, sir.
- Q Has he applied before the Commission for identification as a Mississippi Choctaw? A I think so.
- Q Does he claim through the John Hanks through whom you claim? A Yes, sir.
- Q And Mary Ann Hanks? A Yes sir.
- Q Are these the John and Mary Ann Hanks through whom you claim? A Yes, sir.
- Q You wish to have your case consolidated with his? A Yes, sir.
- Q Are you related to the Duff family-- Chas. E. Duff-- and the Evans family? A I don't know.
- Q If Charles E. Duff is a descendant of Lydia Hanks and Lydia Hanks is the wife of Fielding Hanks who is a descendant of John Hanks and you are a descendant of Polly Hanks, his sister, then you are related to Charles E. Duff, are you not? A Yes, sir.
- Q Then you ask that your case be consolidated with that case of Charles E. Duff? A Yes, sir.

(Last two questions by Mr. Harrison.)

The applicant has light brown hair, light moustache, blue eyes, and from all appearances is a white man possessed of no Indian blood.

Omera Floyd Long - 5

By Mr. Harrison:

- Q Did I understand you to say that Polly Henke had lived all her life in Kentucky? A As far as I know she did.
- Q Could she not have lived some part of her life in Mississippi and you not be conversant with that fact? A Certainly.

S. A. Apple, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the application of Omera Floyd Long on March 23, 1903, and that the 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 March 30 1903.

Charles W. Sawyer

Notary Public.

M.C.R. 7260

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Omera Floyd Long that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7260.

Muskogee, Indian Territory, November 6, 1903.

Omera Floyd Long,
Evanston, Illinois.

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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Omer. Floyd Long,
Evanston, Illinois.

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M C R 7260

Muskegee, Indian Territory, June 28, 1905.

Omer Floyd Long,
Evanston, Illinois.

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 19th day of March, 1904.

Respectfully,

Chairman.

No. 7260

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name *Omera Floyd Long*^M

Age *32.* Blood *1/8.*

Post Office, *Evanston, Ill*

Father: *James Riley Long*

Mother: *Armilda C. Long*

Claims through *mother*

Children:

Stenographer

J. A. Apple.

A MISSISSIPPI CASE

Omera Floyd Long

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

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MAR 2 1905

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JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUN 26 1905

REFER TO M. C. R. 5670

Choctaw MCR 7261

Lewis William Drolte

MCR 7261

M C - 7261

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE IND. TRB., MARCH 23, 1902.

In the matter of the application of Lewis William Drolte,
for the identification of himself and his four minor children,
Osta Edith, Alice, Elmer and Mary Elizabeth Drolte, as Mississippi
Chestaws.

Thomas & Harrison, attorneys for applicant; Mr. Harrison present.

Lewis William Drolte, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Lewis William Drolte.
Q How much Chestaw blood do you claim to be possessed of? A
One-eighth.
Q What is your age? A Thirty-six.
Q What is your post-office? A Pretty Prairie, Reno Co., Kansas.
Q How long have you lived in Kansas? A For 31 years.
Q Where did you live previous to that time? A In Illinois; I was
born in Illinois and lived there until we moved to Kansas.
Q What is your father's name? A H. W. Drolte.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Sarah Harper Drolte.
Q Is she living or dead? A She is living.
Q Through which was of your parents do you claim Indian blood?
A. My mother.
Q What is the name of your maternal grandfather? A I cannot tell
you.
Q Do you know the name of your maternal grandmother? A My mother
never told me anything about our folks much. She was with
the hands of other people, and she told me her father was a
teacher; his name was Reuben, and he was a teacher by trade, and
that is all about I know.
Q Through which ancestor do you claim Indian blood? A Her father.
Q What was his name? Reuben Harper.
Q Was your mother's mother a white woman? A They are the same.
Q Do you know how much Indian blood Reuben Harper was possessed
of? A He was one-half, I think.
Q Do you know the name of his father? A I can't tell you.
Q Do you know the name of his mother? A I don't know.

- Q You can't trace your ancestors any further back than your mother's father? A No, sir.
- Q Where did this Reuben Harper live? A In Kentucky.
- Q Is he dead now? A I don't know. I suppose he is. She said he was living with his second wife when they last heard from him.
- Q Your father left home and left your mother? A Yes sir, my grandfather was living with his second wife--not my father.
- Q Are you married? A Yes, sir.
- Q What is the name of your wife? A Lucy Coon.
- Q Is she a white woman? A Yes sir.
- Q Got any children? A I have four.
- Q Give me the names and ages of your minor unmarried children? The oldest is five years old.
- Q What is the name of the oldest? A Oata Edith--five years old.
- Q The next one? A Alise--four years old.
- Q Next? A Elmer, a boy---three years old.
- Q Give the name of the next? A Mary Elizabeth.
- Q How old is she? A She is nine months old.
- Q What is the date of Mary Elizabeth's birth? A May 30 last year.
- Q Is that all of your children? A Yes, sir.
- Q Where were you married to your wife? A At Pretty Prairie, Kansas.
- Q Were you married under a license? A Yes sir.
- Q Who performed the marriage ceremony? A I can't speak his name.
- Q Was he a minister of the gospel? A Yes sir.
- Q Don't know his name? A Tedrick is his name.
- Q Have you any evidence of your marriage to your wife? A Yes, sir.
- Q Got it here? A No sir.

It will be necessary that you furnish the Commission with evidence of your marriage to your wife, and you will be allowed thirty days from this date within which to file it.

A I can do it.

- Q You now wish to make application for yourself and your four minor children for identification as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830? A Yes sir.
- Q Have you or any of your children ever been recognized by the Choctaw tribal authorities as members of that tribe of Indians in Indian Territory? A No sir.
- Q Have any of you ever made application as such? A No sir. Not before this time.
- Q This is the first application you have ever made? A Yes sir.
- Q The 14th article of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be 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

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 annuities."

- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with this 14th article of the treaty of Dancing Rabbit Creek? A I don't think they ever did.
- Q You don't know? A Not to my knowledge.
- Q Do you know of any of your Choctaw ancestors who were living at that time in Mississippi and was the head of a family? A No sir.
- Q You cannot name any of your ancestors back of this Reuben Harper? A No sir. I have heard of Will Harper.
- Q Who is Will Harper? A He was on my mother's side; he was a brother of my mother's father.
- Q Had your grandfather any other brothers? A I think he had three brothers, Reuben, William and John.
- Q William Harper was a brother of John Harper? A Yes sir.
- Q That is as far as you know? A Yes sir.
- Q Was Reuben Harper living in 1830? A I cannot say. I have never heard much about it.
- Q You don't know whether any of your Choctaw ancestors were living in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was made or not, do you? A No sir.
- Q Were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A I don't know.
- Q Did any of your ancestors ever own any improvements on lands in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors ever remove from the old Nation in Mississippi to the new Choctaw Nation in Indian Territory with the other Indians who came west between 1830 and 1840? A Not to my knowledge.
- Q Did any of your Choctaw ancestors ever signify their intention of remaining in Mississippi, taking lands and becoming citizens of the states under the provisions of the treaty of 1830 which I have just read to you? A I don't know.

It was claimed that after the ratification of the treaty of 1830 that the Indian Agent had failed to register the names of many of these Choctaw Indians who had signified to him their intention to remain, take lands and become citizens of the states, and on this account Congress by two acts passed March 3, 1837, and August 23, 1842, created two commissions whose duty it was to go to Mississippi and make inquiries and give relief to those who had been deprived of their lands by the failure of the Indian Agent to properly register their names.

- Q Do you know whether any of your ancestors ever applied to one of these commissions? A Not to my knowledge.

- Q Do you know whether any of your ancestors ever received any scrip from the United States government as Choctaw Indians?
A. I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No, sir.
- Q So far as you know did any of them ever receive any benefits as members of the Choctaw tribe of Indians? A Never to my knowledge.
- Q Have you any witnesses whom you desire to introduce in behalf of your application? A Not at present, only I have one to testify as to my marriage.
- Q Have you any written evidence to file in support of your claim?
A? No sir.

You will be allowed thirty days from this date within which to submit any other evidence you may have in your case. No extension of this time will be allowed except upon written motion to the Commission.

- Q Are there any other cases to which you wish to refer and have considered with your case? A No sir.
- Q Have any other members of your family ever applied here for identification as Mississippi Choctaws? A Yes sir.
- Q Who have applied? A My father and mother have applied?
- Q Have you any brothers or sisters who have applied? A Not yet, they will.
- Q Give me the names of your brothers and sisters? A The oldest, Mary Youch, is dead.
- Q Give the names of those living?
Maggie Lauver,
Nettie Hoop,
Annie Roberts,
Fred Drolte
- Q What is the name of your mother? A Sarah Drolte.

The applicant has light brown hair, sandy complexion, sandy moustache, blue eyes, and to all appearances is possessed of no Indian blood.

S. A. Apple, states on oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing application on March 23, 1903, and that the foregoing four pages are 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 March 30 1903.

Charles H. Sawyer

Notary Public.

M C R
7270-7110-6272
7261-7271

Muskogee, Indian Territory, April 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between John H. Cowperthwaite and Lena McConnell; also affidavit of Samuel J. Bowperthwaite and joint affidavit of J. W. Minor and Alice Minor to the marriage of Samuel J. Cowperthwaite and Rachel Matilda Howard, offered in support of Mississippi Choctaw case, No. 7110, John H. Cowperthwaite.

Also certified copy of marriage record between Schuyler C. Fleming and Dora Harper offered in support of Mississippi Choctaw case No. 6272, Dora Fleming, et al; certified copy of marriage record between Lewis W. Drolte and Lucy Kuhns offered in support of Mississippi Choctaw case No. 7261, Lewis W. Drolte, et al; certificate of marriage between George F. Cadwell and Kate B. Harper offered in support of Mississippi Choctaw case No. 7271, Katie B. Cadwell, et al; certified copy of marriage record between Ralph W. Putnam and Mamie McClintock offered in support of Mississippi Choctaw

T A X 2

tax case No. 7870, Mary Putnam, et al.

The same have been filed with the record in these respective cases.

Respectfully,

Commissioner in Charge.

M C R 7261

Muskogee, Indian Territory, November 6, 1903.

Lewis W. Drolte,

Pretty Prairie, Kansas.

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,

Commissioner in Charge.

M C R 7261

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lewis W. Drolte that he will be allowed thirty days from this date in which to submit further evidence in support of his application 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Lewis William Drolte,
Pretty Prairie, Kansas.

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, Osta Edith, Alice, Elmer, and Mary Elizabeth Drolter, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

M C R 7261

Muskogee, Indian Territory, June 26, 1905.

Lewis William Drelte,
Pretty Prairie, Kansas.

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 19th day of March, 1905.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Lewis William Drolte

Age 36. Blood 1/8.

Post Office, Pretty Prairie, Kans.

Father: H. W. Drolte L

Mother: Sarah Harper Drolte L

Claims through mother.

7/5/02

S. O. Case

Children:

Osta Edith 5 yrs.

Alice 4 "

Elmer M. 3 "

Mary Elizabeth 9 mths.

S. O. Case

MISSISSIPPI
Harris William Wright

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAR 20 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

RECORDED

Choctaw MCR 7262

♀
Dora Fleming

MCR 7262

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 23, 1903.

In the matter of the application of Dora Fleming for the identification of herself and her two minor children, Viola Harper, and Pansy Vivian Fleming, as Mississippi Choctaws.

Thomas & Harrison, attorneys; Mr. Harrison present.

Dora Fleming, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Dora Fleming.
Q How much Choctaw blood do you claim? A One-eighth.
Q How old are you? A Thirty.
Q What is your post-office address? A Chandler, Oklahoma.
Q How long have you lived in Oklahoma? A Almost twelve years.
Q Ever since that country was opened.
Q Where did you live before that time? A In Kansas.
Q How long did you live in Kansas? A About 14 years.
Q Where did you live previous to that time? A In Illinois.
Q Were you born in Illinois? A Yes, sir.
Q And you lived there up to the time you moved to Kansas? A Yes, sir.
Q What is the name of your father? A Charles F. Harper.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Ellen E. Harper.
Q Is she living or dead? A She is living.
Q Through which parent did you claim Choctaw blood? A My father.
Q How much Choctaw blood is he possessed of? A One-fourth.
Q Is your mother a white woman? A Yes sir.
Q What is the name of your paternal grandfather? A William Harper.
Q What is your paternal grandmother's name? A Rebecca Harper.
Q Which one of your grandparents was an Indian? A My grandfather.
Q What was the name of William Harper's father? A Charles Harper.
Q What was the name of William Harper's mother? A Cheatham was her name before she was married.
Q Which one of these persons was possessed of Indian blood? A Charles Harper.
Q He was your great-grandfather? A Yes sir.
Q Was his wife a white woman? A Yes sir, I suppose so.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Schuyler C. Fleming.
Q Is she a white man? A Yes sir.
Q When were you married to him? A September 6, 1899.
Q Where was the marriage ceremony performed? A Chandler, O. T.

- Q Were you married under the laws of the Territory of Oklahoma?
A Yes sir. Here is the certificate.
- Q Who performed the ceremony? A Rev. Carpenter.

There is filed herein a marriage certificate, marked Exhibit A and made a part of the record in this case, signed by Rev. O. B. Carpenter, a minister of the gospel, certifying that he united in marriage Schuyler C. Fleming and Miss Dora Harper.

- Q Are you the identical person mentioned in this marriage certificate as Miss Dora Harper? A Yes sir.
- Q Is your husband the identical person mentioned here as Schuyler C. Fleming? A Yes sir.
- Q Have you any children? A I have two.
- Q What is the name and age of the older one? A Viola Harper Fleming; 20 months old.
- Q What is the date of her birth? A July 7, 1901.
- Q Give me the name of the other? A Pansy Vivian Fleming.
- Q How old is she? A Eight months old.
- Q When was this child born? A July 7, 1902.
- Q Is your name upon any of the rolls of the Choctaw Nation as a member of that tribe? A No sir.
- Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a member of that tribe in Indian Territory? A No sir.
- Q Have you ever made application to this Commission before this time for enrollment as a member of the Choctaw tribe of Indians? A No sir.
- Q Is this the first time you have applied to this Commission? A Yes sir.
- Q Do you now appear before the Commission for the purpose of claiming rights in the lands of the Choctaw Nation under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q This treaty was made between the United States Government and the Choctaw tribe of Indians on September 27, 1830 and was called the treaty of Dancing Rabbit Creek. The 14th 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 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 entitled to any portion of the Choctaw annuities."

- Q Do you understand that provision of the treaty of 1830? A I think so.
- Q That is the object of your coming here to-day, isn't it, to claim under this article of the treaty of 1830? A Yes sir.
- Q Is this the first time you have appeared before the Commission? A Yes sir.
- Q Do you appear before the Commission for the purpose of claiming rights in the lands of the Choctaw Nation in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek made between the United States and the Choctaw Indians on September 27, 1830? A Yes sir.
- Q You understand what your ancestors had to do, don't you, to entitle you to rights in these lands; you understand what you will have to prove? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the treaty of 1830? A I don't know whether they did or not.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama at that time this treaty was concluded in 1830? A I don't know.
- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors ever own improvements in the states of Mississippi or Alabama at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the new Nation in Indian Territory with the greater portion of Indians who came west between 1830 and 1840? A No sir.
- Q Did any of your Choctaw ancestors ever signify to the Indian Agent in Mississippi their intention of taking lands there and becoming citizens of the states under the provisions of the 14th article of the treaty of 1830? A I don't know.

It being claimed that certain Indians were not registered by the Agent under the provisions of the 14th article Congress passed acts on March 3, 1837 and August 23, 1842 providing for the establishment of two commissions who should hear claimants and who should adjust the differences which had occurred by reason of the Indian Agent's failure to properly register the names of those who appeared before him and by such failure had lost lands which they were entitled to under the treaty.

- Q Did any of your ancestors ever receive any lands from these commissions? A No sir.
- Q Did any of them appear before these commissions? A I don't know.
- Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians? A I don't know whether they were or not.
- Q So far as you know did any of them ever receive any benefits from the United States as Choctaw Indians? A No sir.
- Q Have you any witnesses you desire to be heard to-day in support of your application? A No sir.

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

You will be allowed thirty days from this date within which to offer such other evidence as you may have in behalf of your claim. No extension of this time will be allowed, except upon a proper showing to the Commission that such extension is necessary.

For the purpose of consolidation reference is made to the case of Charles S. Harper, K C R 7078.

Examination by Mr. Harrison.

Q Did you ever hear that John Harper or William Harper tried to get lands in Mississippi in 1830? A No sir.

The applicant has light brown hair, light complexion, and light brown eyes, and from all appearances is a white woman possessed of no Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above case on March 23, 1903, and that the foregoing is a true and correct translation of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles Harrison
Notary Public.

K C R ✓
7270-7110-6272
7261-7271

Muskogee, Indian Territory, April 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between John H. Cowperthwaite and Lena McConnell; also affidavit of Samuel J. Cowperthwaite and joint affidavit of J. W. Miner and Alice Miner to the marriage of Samuel J. Cowperthwaite and Rachel Matilda Howard, offered in support of Mississippi Choctaw case, No. 7110, John H. Cowperthwaite.

Also certified copy of marriage record between Sawyer G. Hending and Dora Harper offered in support of Mississippi Choctaw case No. ⁷²⁶² 6272, Dora Hending, et al; certified copy of marriage record between Lewis W. Dwyer and Lucy Edgus offered in support of Mississippi Choctaw case No. 7261, Lewis W. Dwyer, et al; certificate of marriage between George F. Caldwell and Kate E. Harper offered in support of Mississippi Choctaw case No. 7271, Kate E. Caldwell, et al; certified copy of marriage record between Ralph W. Putnam and Marie McClinton offered in support of Mississippi Choctaw

T & K 2

tax case No. 7270, Mary Putnam, et al.

The same have been filed with the record in those respective cases.

Respectfully,

Commissioner in Charge.

M C R 7262

Muskogee, Indian Territory, April 16, 1903.

Mrs. Dora Fleming,
Chandler, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state "Having sent a certified copy of my marriage licence several days ago, I will be very much obliged if you will send me the copy I left with you when I registered."

In compliance with your request, your original marriage certificate is herewith returned you.

Respectfully,

MM 44

M C R 7262

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Dora Fleming that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself 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,

Commissioner in Charge.

M C R 7262

Muskogee, Indian Territory, November 6, 1903.

Dora Fleming,

Chandler, Oklahoma.

Dear Madam:

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,

Commissioner in Charge.

M.C.R. 7262.

Muskogee, Indian Territory, March 19, 1904.

Dora Fleming,
Chandler, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Viola Harper and Fanny Vivian was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison Muskogee, 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.

Muskegee, Indian Territory, June 26, 1905.

Dora Fleming,
Chandler, Oklahoma.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1906

Name Dora Fleming

Age 30. Blood 1/8.

Post Office, Chandler, Ok. Ter.

Father: Chas. J. Harper. ✓

Mother: Ellen E. Harper. ✓

Claims through father.

Residence

See ...

Children:

Viola Harper Fleming.

Pansy Vivian " 2 yrs. 8 mos.

J. A. Apple

Dora File

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
CHICKASAW NATIONS.

JUN 26 1905

Choctaw MCR 7263

Maggie D. Lauer

MCR 7263

M C - 7263

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 23, 1903.

In the matter of the application of Maggie D. Lauver for the identification of herself and her eight minor children, Ethel L., Dee S., Ima Mada, William H., Fred N., Gladys M., Hannah E., and John L. Lauver, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants; Mr. Harrison present.

Maggie D. Lauver, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie D. Lauver.
Q How much Choctaw Indian blood do you claim to have? A One-eighth.
Q How old are you? A I am thirty-five.
Q What is your post-office address? A Wickenburg, Kansas, Reno Co.
Q How long have you resided in Kansas? A I don't know exactly.
Q About how many years? A About 32 years.
Q Where did you live before you came to Kansas? In Illinois.
Q Were you born in Illinois? A Yes sir.
Q What was the name of your father? A William H. Drolte.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Sarah Drolte.
Q Is she living or dead? A She is living.
Q Through which parent do you claim your Indian blood? A My mother.
Q What is the name of your mother's father? A Harper.
Q What is his first name? A Reuben Harper.
Q What is the name of your mother's mother? A. A I don't know.
Q Through which of your mother's parents do you claim your Indian blood? A Her father, Reuben Harper.
Q Is Reuben Harper dead? A I don't know.
Q Do you know where he formerly resided? A No sir.
Q Do you know anything about him? A No sir. My mother was separated from him and she did not know much about him.
Q What was the name of Reuben Harper's father? A Charles Harper, I believe.
Q Do you know the name of Reuben Harper's mother? A No sir.
Q Was Charles Harper a Choctaw Indian? A I don't know.

- Q Do you know anything about where Charles Harper and William Harper lived? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A John H. Lauver.
- Q Is he a white man? A Yes sir.
- Q He makes no claim to having Indian blood? A No sir.
- Q When were you married to him? A July 5, 1886.
- Q Where was the marriage ceremony performed? A Kandon, Kansas.
- Q Who performed the ceremony? A The probate judge.
- Q Have you any evidence of this marriage? A Yes sir. (Presenting certificate.)
- Q

There is offered in evidence, marked exhibit A and made a part of the record in this case, a marriage certificate issued by the probate judge, William Green, certifying that he united in marriage John H. Lauver and Maggie D Drolte on July 5, 1886.

- Q Is the John H. Lauver mentioned in this certificate the identical person as your husband, John H. Lauver? A Yes sir.
- Q It is spelled in the certificate L-o-u-v-e-r? A That is wrong, it is spelled L-a-u-v-e-r.
- Q Are you the identical Maggie D. Drolte mentioned in the certificate? A Yes sir.
- Q Have you any children? A Yes sir.
- Q How many have you? A Eight.
- Q State their names and ages--just give the names of your minor unmarried children? A They are all under 21.
- Q Give the name of the oldest? A Ethel L. Lauver, age 15.
- Q Next? A Dee S. Lauver, age 14. He is a boy.
- Q Next? A Ima Maud Lauver, age 12.
- Q The next? A William H. Lauver, age 10.
- Q The next one? A Fred N. Lauver, age 8.
- Q Next? A Gladys M. Lauver, age 6.
- Q Next? A Hannah E. Lauver, age 4.
- Q Next? A John L. Lauver, age 3.
- Q Are all these children living with you at home? A Yes sir.
- Q Is your name or the names of any of your children upon any of the tribal rolls of the Choctaw Nation? A I don't know.
- Q Have you ever been recognized as a citizen of the Choctaw Nation by the tribal authorities of said nation? A I don't know.
- Q You don't know of any recognition whatever that the Choctaw tribal authorities have made of your name or the names of your children? A No sir.
- Q Have you ever taken any action to see whether you have been recognized as a member of the Choctaw tribe? A No sir.
- Q Is this the first time you have appeared before this Commission? A Yes sir.
- Q Have you ever made application to this Commission or to the Choctaw authorities to be enrolled as a member of the Choctaw Nation? A No sir.
- Q You nor no one for you have ever made application before this time? A No sir.
- Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830? A Yes sir. I guess so.
- Q Do you claim to be entitled to lands in the Choctaw Nation by reason of a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of 1830? A

I don't know, I guess so.

- Q Do you understand why you are hereto-day? Do you claim rights in the Choctaw lands---do you know what you claim under? Do you claim to be a descendant of a Choctaw Indian? A Yes sir.
- Q You claim rights under the provisions of the 14th article of the treaty of 1830, which provides for the enrolment of Mississippi Choctaw Indians, do you? A Yes sir.

That article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you understand that provision of the 14th article? A I don't know that I understand it clearly.
- Q Do you understand what you have to prove in order to be entitled to lands in the Choctaw Nation under that treaty? A I think so.
- Q You understand that you must prove that you are a descendant of a Choctaw Indian who complied or attempted to comply with the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the treaty of 1830 which I have just read? A I don't know.
- Q Were any of your Choctaw ancestors living in the states of Mississippi or Alabama in 1830 when that treaty was concluded between the United States and the Choctaw Indians? A I don't know.
- Q Were any of your Choctaw ancestors ever recognized by the tribal authorities of the Choctaw Nation as members of that tribe? A I don't know.
- Q Did any of your Choctaw ancestors own improvements in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi between the years 1830 and 1840 when the bulk of the Choctaw Indians came to the new Nation in Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors ever signify their intention to the Indian Agent to stay in the old Nation, take lands there and become citizens of the states? A I don't know.
- Q Did any of your ancestors ever claim to have received any lands from the United States as Choctaw Indians under the provisions of the treaty of 1830? A I don't know.

- Q Did any of them ever claim that they went as Choctaw Indians to the Indian Agent to be registered and that he failed to register their names as members of the Choctaw tribe under the provisions of the treaty of 1830? A I don't know.

It being claimed that a great many Indians went before the Indian Agent to be registered and that he failed to properly note their names by which failure they were deprived of their lands, Congress passed acts on March 3, 1837, and August 23, 1842, creating commissions which went to Mississippi to hear the claims of those who had thus been deprived of lands.

- Q Do you know whether any of your ancestors appeared before one of these commissions? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever received any patent to land from the United States government as Choctaw Indians? A No sir.
- Q Did any of them ever claim to receive any benefits from the United States Government as Choctaw Indians? A No sir.
- Q Did any of them receive any scrip from the United States? A I don't know.
- Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did any of your ancestors receive any benefits whatever from the United States as Choctaw Indians? A No sir.
- Q Have you any witnesses you desire to be heard at this time in support of your application? A No sir.
- Q Have you any written evidence to introduce at this time in support of your case? A Yes sir.

By Mr. Harrison.

- Q Is Henry W. Drolte your father? A Yes sir.
- Q Then if you said in your examination that his name is William H. Drolte you made a mistake, did you not? A Yes sir.
- We desire to file a certified copy of the marriage license of this applicant's parents.
- There is filed herewith, marked exhibit B and made a part of the record in this case, the marriage certificate of the marriage of Henry W. Drolte and Sarah Youch.
- Q Was your mother a widow when she married your father? A Yes sir.
- Q Her maiden name was Harper? A Yes she was a Harper.
- Q Is your father the identical person mentioned in the license as Henry W. Drolte? A Yes sir.
- Q And the Sarah Youch is your mother? A Yes sir.

There is offered in evidence the marriage license of Jacob Youch and Sarah Harper, issued by J. R. Geaker, and marked Exhibit C and made a part of the record in this case.

- Q Is the Sarah Harper mentioned in this license your mother? A Yes sir.
- Q And her name was Sarah Youch when your father married her? A Yes sir.
- Q Was Jacob Youch dead at the time of your father's marriage to her? A Yes sir.

Maggie D Lauver et al - 8

You will be allowed thirty days from this date within which to offer any other evidence you may have in support of your claim. No extension of this time will be allowed except upon written motion to the Commission showing cause for such extension.

Reference is made to the case of Sarah Drolte M C R and also to the case of Lewis William Drolte M C R 7261 for the purposes of consolidation.

Applicant requests the original marriage to be returned to her address when it has been copied, same being marked Exhibit A.

The applicant has fair complexion, light brown hair, blue eyes, high cheek bones; and aside from last mentioned feature she has all the appearances of being a white woman possessed of no Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above case on March 23, 1903, 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 March 30 1903.

Charles H. Sawyer

Notary Public.

M/C R
6770-7263-7215
7396-7356

Muskogee, Indian Territory, April 22, 1908.

Thomas A. Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage license and certificate between John H. Lauer and Maggie D. Drolts, offered in support of the application made by Maggie D. Lauer for the identification of herself and minor children as Mississippi Choctaws.

Also certificate of record of marriage between Reuben Harper and Mariah Low, offered in support of the application made by Sarah Drolts for identification as a Mississippi Choctaw.

Also affidavits of J. E. Robertson and Winnie J. Hallett, offered in support of the application made by Martha Webb for the identification of herself and minor children as Mississippi Choctaws.

Also marriage certificate of Frank Webb and Eva Belle Brinson, offered in support of the application made by Frank Webb for the identification of himself and minor children as Mississippi Choctaws.

Also joint affidavit of Nancy and Melissa Garrett, affi-

T & H 2

deed of Perry Cheatham and certificate of Clerk of Montgomery county, Kentucky, offered in support of the application made by Nancy Thompson for the identification of herself and minor children as Mississippi Cheetaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 7263

Muskogee, Indian Territory, November 6, 1903.

Maggie D. Lauver,
Nickerson, Kansas.

Dear Madam:

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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission has this day notified Maggie D. Lauver that she will be allowed thirty days from this date in which to submit further evidence in support of her application 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Maggie D. Lauver,
Nickerson, Kansas.

Dear Madam:

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 eight minor children, Ethel L., Dee S., Ina Maud, William E., Fred M., Gladys M., Hannah E., and John L. Lauver, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

Muskogee, Indian Territory, June 26, 1905.

Maggie D. Lauver,
Nickerson, Kansas.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name *Maggie D. Lauver*

Age *35* Blood *1/8*

Post Office, *Tickerson, Kans.*

Father: *Henry W. Drotte*

Mother: *Sarah Drotte*

Claims through *mother*

Children:

- Ethel L. Lauver 15 yrs.*
- Dee S. " M 14 "*
- Ima Maud " 12 "*
- William H. " 10 "*
- Fred W. " 8 "*
- Gladys M. " 6 "*
- Hannah E. " 4 "*
- John R. " 3 "*

Stenographer

J. A. Apple.

CONFIDENTIAL
A MISSISSIPPI CHOCTAW.

Maggie J. Larver, et al

RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO [unclear] JUN 26 1905

5370

Choctaw MCR 7264

Lena Harris

MCR 7264

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., March 23, 1903.

In the matter of the application of Lena Harris for the identification of herself and her two minor children, Timothy and Beatrice Harris, as Mississippi Choctaws.

E. W. Isaacs, attorney for applicant, present.

Lena Harris, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Lena Harris.
Q How much Choctaw blood do you claim to be possessed of? A One-fourth.
Q What is your age? A I am 27.
Q What is your post-office? A Gibson Station, Ind. Ter.
Q What nation is that in? A Creek Nation.
Q How long have you resided in the Creek Nation? A Four weeks.
Q Where did you live previous to moving into the Creek Nation? A Pittsburg, Texas.
Q How long did you live in Texas? A All my life until I came to Indian Territory.
Q Were you born and raised in Texas? A Yes sir.
Q What is the name of your father? A Charlie Cooper.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Elisa Cooper.
Q Is she living or dead? A She is living.
Q Through which of your parents did you claim Indian blood? A My mother.
Q Is your father a negro? A Yes sir.
Q He has no Indian blood, has he? A Not that I know of.
Q Has he any white blood? A No sir.
Q How much Indian blood does your mother claim to have? A One-half.
Q What was her father? A A negro.
Q What was the name of your mother's father? A I don't know.
Q What was the name of your mother's mother? A Virginia Phillips.
Q What was your mother's father's name? A I don't know.
Q Do you claim through your mother's mother? A Yes sir.
Q How much Indian blood did Virginia Phillips have? A She was a full blood.
Q Where did she live? A In Mississippi.
Q Do you know when she died? A No sir.
Q Where was her mother born? A In Mississippi.
Q How old is your mother at the present time? A About 60 years old.

- Q When did she leave Mississippi? A I don't know.
- Q Do you know how old she was when she left there? A No sir.
- Q She went from Mississippi to Texas, did she? A Yes sir.
- Q Virginia Phillips is the ancestor through whom you claim your Choctaw Indian blood, is she? A Yes sir.
- Q Can you trace your descent back any further? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your husband A Henry Harris.
- Q Is he a negro? A Yes sir.
- Q Is he a non-citizen? A Yes sir.
- Q He is not a member of any tribe of Indians, as citizen or freedman? A No sir.
- Q He does not claim to be possessed of Indian blood or to be a freedman of any Indian tribe? A No sir.
- Q Have you any children? A I have two.
- Q Give their names and ages? A Timothy Harris, 7 years old.
- Q Next one? A Beatrice Harris, 4 years old.
- Q Are both these children living with you? A Yes sir.
- Q When were you married to your husband? A I was married in 1885, on the 20th of December.
- Q Got any evidence of your marriage? A No sir.
- Q Where did the marriage take place? A At Pittsburg, Texas, at my father's house.
- Q Was your mother, Eliza Cooper, a slave? A Yes sir. She was.
- Q Who was her owner? A I don't know.
- Q Was she owned in the State of Texas? A I don't know where she was freed after the war.
- Q Do you know she was a slave? A Yes sir.
- Q Was your father a slave? A Yes sir.
- Q Have you or your children ever been recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe? A No sir.
- Q Is this the first time you have ever appeared before this Commission? A Yes sir.
- Q You are now before the Commission claiming rights in the lands of the Choctaw Nation in Indian Territory as a descendant of the Choctaw tribe of Indians who complied or attempted to comply with the 14th article of the treaty of 1830, concluded in Mississippi on September 27, 1830 between the United States and the Choctaw tribe of Indians? A Yes sir.
- Q That 14th 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 annuities."

- Q Do you think you understand that 14th article? A Yes sir, in part.
- Q Do you understand it well enough to know what you have to prove in order to be entitled to rights under the article? A Yes, sir, I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors own improvements at that time in what is known as the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors ever remove from that old Choctaw Nation in Mississippi to the new Nation in Indian Territory between the years 1830 and 1840 when the greater portion of the Indians came west? A Not that I know of.
- Q Did any of your Choctaw ancestors ever live in Choctaw Nation, Indian Territory? A No, sir, not that I know of.
- Q Did any of your Choctaw ancestors ever signify to the Indian Agent in Mississippi, as provided in the 14th article of the treaty of Dancing Rabbit Creek, that they desired to remain, take lands in Mississippi and become citizens of the states? A Not that I know of.
- Q Did any of your ancestors ever claim or receive any lands from the United States as Choctaw Indians? A Not that I know of.

It was claimed by certain Choctaw Indians that the United States Government Agent failed to register the names of certain Choctaws who desired to remain in Mississippi and become citizens of the states and who had attempted to comply with the provisions of the 14th article of the treaty of 1830 and they had thus been deprived of their lands, and Congress passed acts on March 3, 1837, and August 23, 1842, creating commissions whose duty it was to go to Mississippi and investigate and give relief to those who had been so deprived of their lands.

- Q Do you know whether any of your ancestors ever went before either of those commissions and made application for their lands? A No sir. Not that I know of.
- Q Did any of your ancestors ever receive any scrip from the United States as Choctaw Indians? A Not that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians from the government of the United States? A Not that I know of.
- Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A No sir.
- Q Have you any witnesses you desire to be heard at this time in support of your application? A No sir.

- Q Have you any written evidence that you desire to offer at this time in support of your application? A No sir.

You will be allowed thirty days from this date within which to submit any other evidence you may have in support of your claim to identification as a Mississippi Choctaw. At the end of that time no extension will be allowed except upon a written motion to the Commission showing good cause for the extension.

- Q Is there any other case that you desire to be treated with yours. Have you any relatives who have made application here for identification as Mississippi Choctaws? A My mother had not been before the Commission yet.

- Q Is there any further statement you wish to make at this time?
A No sir, I believe not?

Examination by S. W. Isaacs.

- Q You stated that your mother's mother's name was Virginia Phillips, and that she is or was a Choctaw? A Yes sir.
Q How much Choctaw blood did she possess? A She was a full blood.
Q Do you know Eliza Cooper's father's name? A No sir.
Q Do you know his nationality? A She said he was negro.

The applicant has dark skin, black kinky hair, thick lips, flat nose, and presents all the appearances of being of negro descent and not possessed of any Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above case on March 23, 1903, and that the foregoing is a true and correct translation of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles H. Sawyer
Notary Public.

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
a copy of testimony in the following Mississippi Choctaw cases:

Mary Dooly, et al.,	M.C.R. 6804
Henry Harrison, et al.,	" 6624
Mamie Tyson,	" 7414
Peter Kebble,	" 7413
Lena Harris, et al.,	" 7264

J. W. Isaac

Muskegee, Indian Territory, April 9, 1903.

H. J. Bratton,
Pittsburg, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state "I gave one Lena J. Harris power of Atty to act for us so that I might come before you in 30 days after the close of your Com. If I can, why I will come at once; if not please say so."

In reply to your letter you are informed that it does not appear from our records that you are an applicant to this Commission for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw, and you are further advised that the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Lena Harris,
Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse W. Cooper, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse W. Cooper, et al.,	M C R 6666
Lena Harris, et al.,	M C R 7264

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

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

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 W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, all Choctaw Indians entitled 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."

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

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Register

M.C.R.7264.

Muskogee, Indian Territory, December 3, 1903.

Lena Harris,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse W. Cooper et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tame Bixby.
Chairman.

No. 7264

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 25 1903

Name Lena Harris

Age 27. Blood 1/4.

Post Office, Gibson Station, S. J.

Father: Charlie Cooper. L

Mother: Eliza " L

Claims through mother

Issued to

See my card in

Children:

Timothy Harris - 7 yrs.

Beatrice " 4 "

J. D. Hill

A MISSISSIPPI CHOCTAW

Lena Harris, et al.

D

Admission

FOR

FC
AND C. S. ... CHOCTAW

REFER TO M. C. R.

Choctaw MCR 7265

James H. Harper

MCR 7265

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., March 23, 1903.

In the matter of the application of James H. Harper for the identification of himself and his two minor children, James Cheatham and Ella Loretta Harper, as Mississippi Choctaws. And for Lizzie Ellen Boyles (de'd) and Bessie, Johnnie and Clyde Allen Boyles.

Thomas & Harrison, attorneys for applicants, Mr. Harrison present.

James H. Harper, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A James H. Harper.
- Q How much Choctaw Indian blood do you claim to be possessed of?
A One-fourth.
- Q What is your age? A I am 53.
- Q What is your post-office? A Lorena, Texas.
- Q How long have you resided in Texas? A For 29 years.
- Q Have you lived there continuously for the past 29 years? A Yes sir.
- Q Have you never made your home anywhere else during that time?
A No sir.
- Q Where did you live previous to your removal to Texas? A In Illinois.
- Q Were you born and raised in Illinois? A Yes, and lived there until I went to Texas.
- Q You were born in Illinois and lived there continuously until you went to Texas where you have since resided? A Yes sir.
- Q What is the name of your father? A Samuel Harper. Samuel Harper.
- Q Is he living or dead? A He is dead.
- Q What is the name of your mother? A Her maiden name was Cartman; Mary Ann Cartman.
- Q Is she living or dead? A She is dead.
- Q Through which parent do you claim your Choctaw blood? A My father.
- Q Your mother a white woman? A Yes sir.
- Q When did your father die? A He has been dead about 21 years.
- Q Where was he living at the time of his death? A In Texas.
- Q Did you remove from Illinois with him? A Yes sir.
- Q How long did he live in Illinois? A I cannot tell you just exactly how long he lived there.
- Q Was he born and reared in the state of Illinois? A I think he was born in Kentucky.

- Q What was the name of your father's father? A Charles Harper.
- Q What was the name of your father's mother? A I don't know.
- Q You don't know the name of your paternal grandmother? A No sir.
- Q Is Charles Harper the ancestor through whom you claim Indian descent? A Yes sir.
- Q Can you trace your descent back any further than Charles Harper? A No sir.
- Q How much Choctaw Indian blood was Charles Harper possessed of? A He was a full blood.
- Q Where did he live at the time of his death? A In Illinois.
- Q How long did he live in Illinois previous to his death? A I don't know.
- Q Where did he live before he lived in Illinois; I am speaking of your father's father? A I don't know.
- Q Did he ever live in the state of Mississippi? A I don't know.
- Q You don't know anything of his whereabouts previous to his residence in Illinois? A No sir.
- Q Do you know his age at the time of his death? A No sir.
- Q Was he living in 1830 and the head of a family at that time? A I cannot tell.
- Q Do you know the name of Charles Harper's father? A No sir.
- Q Do you know the name of Charles Harper's mother? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Henrietta F. LeMaster was her maiden name.
- Q Is she a white woman? A Yes sir.
- Q Claims no Indian blood? A No sir.
- Q Where were you married to her? In Illinois.
- Q When was the marriage ceremony performed? A In 1868.
- Q Have you any evidence of your marriage to this woman? Yes sir.

There is offered in evidence, marked exhibit A and made a part of the record in this case, a certified copy of the marriage record of Logan County, Illinois, stating that James H. Harper and Henrietta B. LeMaster were united in marriage on the 15th of December, 1868.

- Q Have you any children? Any under age and unmarried? A Yes sir.
- Q How many? A I have two.
- Q Give the name and age of the older? A James Cheatham Harper, age 18.
- Q What is the name of the next one? A Ella Loretta Harper.
- Q How old is she? A She is 16.
- Q Are these the only children you have living? A Yes sir. I have also three grandchildren.
- Q Are their parents living? A Their father is living but their mother is dead.
- Q Where are they living? A They are living with me at the present time.
- Q Are they children of your daughter? A Yes sir.
- Q What was their mother's name? A Lizzie Ellen Boyles.
- Q When did she die? A She died February 4, 1903.
- Q What is the name of her husband? A P. O. Boyles.
- Q Is he a white man? A Yes sir.
- Q He has no Indian blood? A No sir.
- Q How many children did Lizzie Ellen Boyles have? A Three.

- Q Give their names and ages? A Bessie Boyles.
Q How old is she? A Seven.
Q What is the name of the next? A Johnnie Boyles.
Q How old is he? A He is 5.
Q The next? A Clyde Allen Boyles.
Q How old? A He is 3 years old.
Q Is that all? A That's all.
Q Do you wish to make any claim for your daughter who is dead?
A Yes sir.
Q She died in February of the present year, did she? A Yes sir.
Q You now wish to make application for the identification of yourself and our two minor children, and for your deceased daughter and her three minor children? as Mississippi Choctaw Indians? A Yes sir.
Q How old was your daughter at the time of her death? A About 24 years old.
Q Was your name or the names of any of your children or grandchildren ever placed upon any of the rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Were you or any of your children or grandchildren ever recognized by the tribal authorities of the Choctaw Nation as members of that tribe? A No sir.
Q Did you or any one for you or your children or grandchildren ever make application to the tribal authorities or the Commission to the Five Civilized Tribes to be enrolled as citizens of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to this Commission previous to this time? A No sir.
Q You now appear before the Commission for the purpose of claiming rights in the lands of the Choctaw Nation in Indian Territory under the provisions of the 14th article of the treaty of 1830? A Yes sir.
Q You claim under the provisions of the treaty of Dancing Rabbit Creek concluded September 27, 1830, between the United States and the Choctaw Nation? A Yes sir.
Q That 14th article of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 this case a grant in fee simple shall issue; but if ~~any~~ said reservation shall include the present improvement of the head of the head of the family or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors own improvements at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi between the years 1830 and 1840 when the greater portion of the Choctaws came to the New Nation in Indian Territory? A Not that I know of.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Were any of your Choctaw ancestors living in Mississippi at that time? A Not that I know of.
- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in Mississippi at the time the treaty of 1830 was made? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors signify their intention to the Indian Agent to remain in Mississippi and become citizens of the states as provided for in the 14th article of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim to receive any lands from the United States Government under the provisions of the treaty of Dancing Rabbit Creek? A Not that I know of.

It appearing that certain Choctaws were not allowed to register by the United States Indian Agent and signify their intention of remaining in the old Nation and taking lands therein under the article 14, Congress passed certain acts March 3, 1837, and August 23, 1842, providing for the creation of two commissions which should examine into this contention and find out if any Choctaw Indians had been allowed to register under the 14th article of the treaty of 1830.

- Q Did any of your ancestors appear before either of these commissions? A Not that I know of.
- Q Did any of your ancestors ever receive any patents to lands in the states of Mississippi or Alabama under the treaty of 1830? A Not that I know of.
- Q Did any of your ancestors ever receive any scrip from the Government of the United States as Choctaw Indians? A Not that I know of.
- Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians in Indian Territory? or in the old Nation? A Not that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits from the United States as Choctaw Indians? No sir.
- Q Have you any written evidence you desire to file at this time in support of your application? A No sir.

James H Harper et al - 5.

Q Have you any witnesses you desire to be heard in our case at this time? A No sir.

It will be necessary that you furnish the Commission with some evidence of the marriage of your father, Samuel Harper, and his wife, and of your grandfathers, Charles Harper and his wife. Thirty days from this date will be allowed for this purpose.

You will also be allowed thirty days from this date within which to present such other evidence that you may have in support of your application. No extension of this time will be allowed, except upon a written motion to the Commission showing cause for such extension.

Q Is there any further statement you wish to make at this time? A No sir.

By Mr. Harrison:

Q Are you related to the John Harper who appeared here a few days ago claiming under Charles Harper? A Yes sir.

Q What relation are you to him. A He is my own cousin.

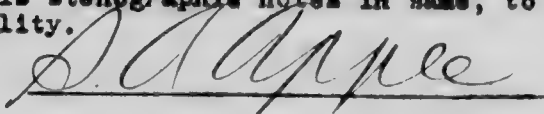
For the purpose of consolidation reference is made to the case of John Harper M C R and to the case of Charles F. Harper, M C R 7078.

Q What are the names of your children who are over 21 and married? A Ida M. Brazil, Mary A. Smith, Martha Jane Thompson, Willie Angeline Thompson and John Clifton Harper.

Q Your children who are of age and married will have to apply for themselves. Your application can be only for yourself, your minor children, your deceased daughter and her children.

The applicant has dark brown straight hair, light brown beard, dark blue eyes, and has the appearance of being a white man possessed of no Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above application on March 23, 1903, and the foregoing is a true and correct translation of his stenographic notes in same, to the best of his knowledge and ability.



Subscribed and sworn to before me this March 30 1903.


Notary Public.

N. C. R. 7265.

Muskogee, Indian Territory, November 6, 1903.

James H. Harper,
 Lorena, 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 your application for identification of yourself and your minor children and grandchildren 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,

Commissioner in Charge.

M.C.R. 7265.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified James H. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children and grandchildren 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,

Commissioner in Charge.

MCR.7265

Muskogee, Indian Territory, March 19, 1904.

James H. Harper,

Lorana, 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, your three children James C. and Ella Lorette Harper and Lizzie Ellen Boyles, and your three grandchildren, Bessie, Johnnie and Clyde Allen Boyles, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs Thomas & Harrison, Muskogee, 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 of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7265

Muskogee, Indian Territory, June 26, 1905.

James H. Harper,
Lorena, 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 19th day of March, 1904.

Respectfully,

Chairman.

No.

2265

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name

James H. Harper.

Age

53, Blood 1/4.

Post Office,

Lorena, Texas.

Father:

Samuel Harper D

Mother:

Mary Ann " D

Claims through

father

Wife.

Edna M. Harper

Children:

James C. Harper 18 yrs.

Ella Lorette " 16 "

gr. children

x Bessie Boyles 7 yrs.

x Johnnie " 5 "

x Clyde Allen " 3 "

F of G Children P. O. 1800 1824

Naw.

x M. ^{DEAN} Reggie Ellen Boyles. D 24

Monogram

J. D. Miller

MISSISSIPPI CHOCTAW

James H. Harper

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 20 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

5670

Choctaw MCR 7266

John Clifton Harper

MCR 7266

M C - 7266

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., March 28, 1903.

In the matter of the application of John Clifton Harper
for the enrollment of himself and his minor child, Claude Harper,
as Mississippi Choctaws.

Thomas & Harrison, attorneys; Mr. Harrison being present.

John Clifton Harper, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Clifton Harper.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your age? A I am 25.
Q What is your post-office? A Lorena, Texas.
Q How long have you resided in Texas? A I was born and raised there.
Q Have you never lived anywhere else except in Texas? A No sir.
Q What is the name of your father? A James H. Harper.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Henrietta F. LeMaster.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My father.
Q When were your parents married? A I have forgotten.
Q Do you know that they were legally married? A Yes sir.

Reference is made to the case of James H. Harper, M. C. No. 7265 for a certified copy of the marriage record of James H. Harper and Henrietta LeMaster.

- Q What is the name of your father's father? A Samuel Harper.
Q Is he living or dead? A He is dead.
Q What is the name of your father's mother? A Mary Harper.
Q Is she living or dead? A She is dead.
Q Through which one of his parents do you claim Indian blood? A My father's father.
Q Through Samuel Harper? A Yes sir.
Q What is the name of Samuel Harper's father? A I don't know.
Q Do you know the name of Samuel Harper's mother? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Mary Prince.

- Q Is she a white woman? A Yes sir.
Q And is possessed of no Indian blood? A No sir.
Q When were you married to her? A The 13th of October.
Q In what year? A In 1901.
Q Have you any children? A I have one.
Q What is its name? A Claude Harper.
Q When was this child born? A It was born the 13th of October 1902.

This child having been born subsequent to September 25, 1902, the Commission cannot receive or make any record of your application for its enrollment at this time as a Mississippi Choctaw, under the provisions of the Act of Congress of July 1, 1902, commonly known as the Choctaw-Chickasaw Agreement.

- Q Were you ever recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe? A Yes sir.
Q Have the Choctaw tribal authorities ever recognized you as a citizen of that tribe? A I don't understand.
Q Well, have the tribal authorities of the Choctaw Nation ever recognized you as a member of their tribe here in Indian Territory---have you ever been recognized by them in any way whatever as a member of their tribe? A Not that I know of.
Q Have you ever made application to this Commission previous to this time as a Mississippi Choctaw? A No, I have not.
Q You now wish to make application for identification as a descendant of a Choctaw Indian who complied for admission or attempted to comply with the provisions of the treaty of Dancing Rabbit Creek? A Yes sir.
Q The fourteenth article of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you think you understand that 14th article? A Yes sir.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of 1830? A Not that I know of.
Q Were any of your Choctaw ancestors living in Mississippi when the treaty of Dancing Rabbit Creek was made? A No sir.
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.

- Q Did any of your Choctaw ancestors own any improvements upon lands in what was known as the old Choctaw Nation in Alabama and Mississippi in 1830. A Not that I know of.
- Q Did any of your Choctaw ancestors remove from that old Nation to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors signify to the agent of the Government in Mississippi their intention to remain there and become citizens of the states as provided for in this 14th article which I read to you? A Not that I know of.
- Q Did any of your Choctaw ancestors ever signify to him that they wanted to stay and take lands? A I don't know.
- Q Did any of your ancestors ever claim that they received lands in the state of Mississippi or Alabama under the provisions of article 14 of the treaty of 1830? A Not that I know of.

It being contended that certain Indians were not allowed to register before the Indian Agent under this article 14 of the treaty of 1830, the Congress of the United States passed acts on March 3, 1837, and August 23, 1842, providing for the establishment of two commissions who should investigate this matter and ascertain who had been deprived of their lands by this failure of the Indian Agent to properly register their names.

- Q Do you know whether any of your Choctaw ancestors ever appeared before either of these commissions? A No sir.
- Q Did any of your ancestors ever receive a patent to lands in Mississippi or Alabama from the United States? A Not that I know of.
- Q Did any of your ancestors ever receive any scrip from the United States government as Choctaw Indians? A Not that I know of.
- Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A Not that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits as members of the Choctaw tribe of Indians? A Not that I know of.
- Q Are there any witnesses you desire to have heard at the present time in support of your application? A No sir.
- Q Got any written evidence you desire to file in your case at this time? A No sir.

The Commission will allow you thirty days from this date within which to introduce any further evidence you may have in support of your application; and no extension of this time will be given, except upon a written motion to the Commission showing cause for such extension of time.

- Q Are there any further statements that you desire to make at this time? A No sir.
- Q Are there any other cases before the Commission that you desire to have considered with yours? A Yes sir.

John Clifton Harper et al 4

Reference is made to the case of John Harper M C R to the case of Charles F. Harper M C R 7078, and to the case of James H. Harper et al M C R 7268 for the purpose of consolidation.

The applicant has dark brown hair, dark grey eyes, light complexion, and presents all the appearances of being a white man possessed of no Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the above application on March 23, 1903, and that the foregoing is a true and correct translation of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles H. Hoover
Notary Public.

M.C.R. 7118
" 7266
" 7333

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage certificate between J.G. Harper and Mary Prince, offered in support of the application made by John Clifton Harper for identification as a Mississippi Choctaw; certified copy of marriage record between M.T. Harper and Louisa A. Harper, offered in support of the application made by Annie E. Harper for identification as a Mississippi Choctaw and affidavits of Nancy E. Harper and Tonia Shore, offered in support of the application made by Edward J. Harper for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the records in those respective cases.

Respectfully,

Commissioner in Charge.

M. G. R.
7866.

Muskogee, Indian Territory, November 6, 1903.

John Clifton Harper,
Lorena, 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 your application for identification of yourself and minor children 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,

Commissioner in Charge.

M.C.R. 7266.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John Clifton Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

John Clifton Harper,
Lorena, 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 son Claude Harper, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, 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 of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, June 26, 1905.

John Clifton Harper,
Lorena, Texas.

Dear Sir:

You are hereby advised 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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name John Clifton Harper

Age 25. Blood 1/8

Post Office, Lorena, Texas.

Father: James H. Harper. L

Mother: Henrietta J. " L

Claims through father

Wife Mary Harper

Children:

Claude Harper 6ms.

Stenographer

S. A. Apple.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 72

John Clifton Harper

DECISION RENDERED

MAR 4 1904

COPY OF DECISION MADE BY
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 11 1904

COPY OF DECISION
ATTORNEYS FOR CHOCTAW AND

MAR 4 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

RECORDED & INDEXED

Choctaw MCR 7267

John Eldridge Cloud

MCR 7267

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., MARCH 23, 1903.

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

John Hurley, attorney for applicant, not present.

John Eldridge Cloud, after being sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Eldridge Cloud.
Q How much Choctaw Indian blood do you claim? A One-eighth.
Q What is your age? A I am 27.
Q What is your postoffice? A Sulphur Springs, Texas.
Q How long have you resided in Texas? A I was born and raised there and have been there all my life.
Q Have you never lived anywhere else? A Well, I have been out of the state a time or two.
Q What is the name of your father? A J. Thomas Cloud.
Q Is he living or dead? A He is dead.
Q What is the name of your mother? A Nancy E. Cloud.
Q Is she living or dead? A She is dead.
Q Through which parent do you claim your Indian blood? A My father.
Q Was your mother a white woman? A Yes sir.
Q She made no claim to Indian blood? A No sir.
Q What was the name of your father's father? A Joseph Cloud.
Q What was the name of your father's mother? A Nancy Cloud.
Q Through which one of these persons do you claim your Indian blood? A My father's mother.
Q Through Nancy Cloud? A Yes sir.
Q Was your father's father a white man? A Yes sir.
Q What was your grandmother, Nancy Cloud's, maiden name? A Her name was Cox.
Q What was the name of her father? A I don't know.
Q Do you know the name of her mother? A No sir.
Q How much Indian blood was Nancy Cox possessed of? A She was a half breed.
Q Is she dead now? A Yes sir.
Q When did she die? A She died before I was born.
Q Do you know where she lived at the time of her death? A No sir.

John Eldridge Cloud - 2

- Q Were your father and mother legally married? A Yes sir.
Q Where were they married? A At Sulphur Springs, Texas.
Q Have you any evidence of their marriage? A Not with me.

It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother. You will be allowed thirty days from this date within which to furnish it.

- Q Are you married? A No sir.
Q You don't know the names of any of your ancestors prior to Nancy Cox? A No sir.
Q Do you know where she lived during her life and at the time of her death? A They lived partly in Texas. They first moved from Mississippi to Tennessee.
Q Do you know what time they moved from Mississippi to Tennessee? A No sir.
Q You are now speaking of your ancestor, Nancy Cox, are you not? A Yes sir.
Q She was your great-grandmother? A Yes sir.
Q Have you ever been recognized by the Choctaw tribal authorities as a member of that tribe? A No sir.
Q Have you ever made application to this Commission before this time? A No sir.
Q Do you now appear before the Commission claiming a share in the lands of the Choctaw Nation in Indian Territory as a descendant of a Choctaw Indian who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830? A Yes sir.
Q That 14th 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 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 privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q You understand that article do you? A I believe I do. Not fully either.

This treaty of 1830 was concluded between the United States and the Choctaw Nation, whereby if the Choctaw Indians relinquished their lands in Mississippi they were to get other lands in Indian Territory. The purpose of the treaty was the removal of

the Choctaw Indians from Mississippi to the new Nation in Indian Territory. Those who did not wish to remove to the new Nation were allowed to remain and take lands and become citizens of the states according to the provisions in this 14th article which I have just read to you. The article provides that the head of the family should receive 640 acres of land, each unmarried child living with him over ten years of age should receive 320 acres, and each child under ten years of age should receive 160 acres. If they lived on this land for five years they should have a fee in fee simple which would give them the right to dispose of the land as they saw fit. The last clause of this article provides that "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 annuities." Annuities means the moneys belonging to the tribe, and any of the Choctaws who removed were entitled to any portion of this money, but they were not to lose the privileges of a Choctaw citizen.

- Q Do you understand that article now? A I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of 1830? A I think they did. I will not be positive. I have heard my father say so.
- Q Were any of your ancestors living in that old Choctaw Nation in Mississippi when the treaty of 1830 was made? A I don't know.
- Q Were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on lands in what constituted the old Choctaw Nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors remove from that old Nation to the new Choctaw Nation in Indian Territory with the great body of the Choctaws who removed between 1833 and 1838? A Not that I know of.
- Q Were any of your ancestors ever in Indian Territory? A Yes sir. My father has been here.
- Q Did he make his home in Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors ever signify to the Indian Agent in Mississippi their intention to remain take lands and become citizens of the states under the provisions of the 14th article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim to receive any lands in Mississippi from the United States under the provisions of the treaty of Dancing Rabbit Creek? A Not that I knew of.

It was contended that certain Choctaw Indians were not allowed to register under the terms of the 14th article of the treaty of 1830, and for this reason Congress passed acts on March 3, 1837, and August 23, 1842, providing for the establishment of two commissions who should hear claimants who had been deprived of their lands by this failure of the Agent to properly register their names under the 14th article of the treaty of 1830.

- Q Do you know whether any of your ancestors ever applied to one of these commissions? A I don't know.

- Q Did any of your ancestors ever receive any patent to lands in the states of Mississippi or Alabama from the United States? A I think not.
- Q Did any of your ancestors ever receive any scrip from the United States as Choctaw Indians? A Not that I know of.
- Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A No sir.
- Q Did any of them ever receive any benefits whatever as Choctaw Indians from the United States? A No sir.
- Q Got any witnesses you desire to be heard at this time in support of your application? A No sir.
- Q Have you any written evidence to introduce at this time in support of your case? A No sir.

You will be allowed thirty days from this date within which to introduce any further evidence you may have in support of your application. No ~~Mr. etc.~~ extension of this time will be granted except upon written motion to the Commission showing cause for such extension.

- Q Have any of your relatives appeared before the Commission for identification as Mississippi Choctaws? A No sir.
- Q You are the only one of your connection who has been before the Commission? A Mrs. Robinson, my cousin, has been here.
- Q Do you know of any one who has been here claiming through the same common ancestor that you claim through? A She is the only one.

The applicant has dark brown hair, blue eyes, light complexion, full round face, and presents none of the characteristics of an Indian, but to all appearances is a white person.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above application on March 23, 1903, and that the foregoing is a true and correct translation of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles Sawyer
Notary Public.

COPY.

M.C.R. 7267

Muskogee, Indian Territory, October 31, 1903.

John Eldridge Cloud,

Sulphur Springs, Texas,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Lula B. Robertson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lula B. Robertson, et al.,
John Eldridge Cloud,

M.C.R. 7365
M.C.R. 7267

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 Lula B. Robertson, James Allen Robertson, Robert Tulley Robertson, Benjamin Foley Robertson, George Sterling Robertson and John Eldridge Cloud, as Choctaw Indians entitled to rights

J. E. C. - 2

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

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

Respectfully,

(SIGNED).

Tame Bixby
Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BRALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 7257

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

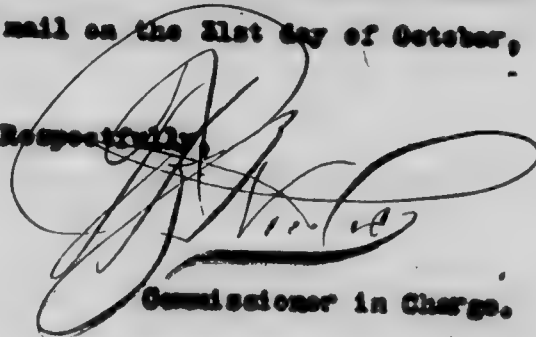
Waskagee, Indian Territory, July 23, 1904.

John Eldridge Cloud,
Sulphur Springs, Texas,

Dear Sir:-

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lula B. Robertson et al., of which decision you were advised by registered mail on the 11st day of October, 1903.

Respectfully,



Commissioner in Charge.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name John Eldridge Cloud.

Age 27. Blood 1/8.

Post Office, Sulphur Springs, Tex. (dead)

Father: J. Thomas Cloud

Mother: Nancy E. Cloud (dead)

Claims through father.

Children:

Stenographer

J. A. Apple.



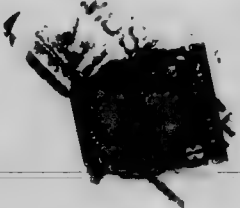
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

DEC 7 1903

CHAIRMAN



12772



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

77-111

229
229

John Eldridge Cloud,

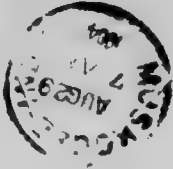
~~Sulphur Spring, Texas.~~



DEC 5 1903

#

~~Commissioner~~



DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES
FILED

AUG 28 1904

CHAS. H. ...



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY.

General Office, M.C.R.

7267

Advising that Secretary of the Interior has affirmed Commission's decision refusing application for identification as a Mississippian Choctaw.

John Eldridge Cloud,
Sulphur, Tex.
UNCLAIMED
Returned to Writer,
Tex. Writer,



111

Wm. S. Sledge
REFUSED.

NOV 16 1904
NOV 16 1904
NOV 16 1904

U. S. DEPARTMENT OF THE INTERIOR,
NOV 16 1904
ACTION APPROVED BY
SECRETARY OF THE INTERIOR.
NOV 16 1904

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANTS
JUL 23 1904
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANTS
JUL 23 1904
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.
JUL 23 1904

REFUSED.

REFUSED BY U. S. DEPARTMENT OF THE INTERIOR

Choctaw MCR 7268

Emma F. Smith

MCR 7268

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

---0---

In the matter of the application of Emma E. Smith, et al.
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

Emma E. Smith, et al.,	M. C. R. 7268
Oliver Alvin Smith,	M. C. R. 7363
Bertha Knox, et al.,	M. C. R. 7269

---0---

--: I N D E X :--

List of papers forwarded the Secretary
of the Interior, comprising the record
in this case.

	(Page)
Original application of Emma E. Smith, et al. before the Dawes Commission for identification as Mississippi Choctaws-----	1
Marriage record between M. M. Smith and Emma E. Dumas-----	5
Original application of Oliver Alvin Smith before the Dawes Commission for identification as a Mississippi Choctaw-----	6
Original application of Bertha Knox, et al. before the Dawes Commission for identification as Miss- issippi Choctaws-----	9
Certified copy of marriage certificate of W. T. Knox and Bertha L. Smith-----	15
Decision of the Commission refusing the appli- cations in the consolidated application of Emma E. Smith, et al. for identification as Mississippi Choctaws-----	4

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, MARCH 23, 1903.

In the matter of the application of Emma E. Smith for the identification of herself and her two minor children, Emma Grace and Lorena Smith, as Mississippi Choctaws.

John Hurley, attorney for the applicant.

Emma E. Smith, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Emma E. Smith.
Q How much Choctaw blood do you claim to be possessed of? A One-sixteenth.
Q How old are you? A I am 43.
Q What is your post-office address? A Timpson, Texas.
Q How long have you resided in the state of Texas? A For 13 years.
Q Have you lived continuously in Texas for the past 13 years? A Yes sir.
Q Where did you live prior to that time? A In Arkansas.
Q How long did you live in Arkansas? A For 16 or 17 years.
Q Where did you live before you lived in Arkansas? A In Mississippi.
Q Were you born in Mississippi? A Yes sir, and lived there until I was 11 years old and then moved to Arkansas.
Q What is the name of your father? A John B. Dumas.
Q What is the name of your mother? A Caroline Dumas.
Q Are they both dead? A Yes, both are dead.
Q Which parent do claim your Choctaw blood from? A My father.
Q Was your mother a white woman? A Yes sir.
Q Where did your father die? A In Arkansas.
Q How long ago? A I was just 11 years old when he died.
Q Did he live in Mississippi previous to his going to Arkansas? A Yes sir.
Q Was he born in Mississippi? A No, he was born in North Carolina.
Q How old was he when he went to Mississippi? A I don't know.
Q What is the name of your father's father? A I cannot tell you.
Q What is the name of your father's mother? A Elizabeth Brashears.
Q Through which grandparent do you claim your Indian blood? A My father's mother, Elizabeth Brashears.
Q Was her husband a white man? A Yes sir.
Q Where did Elizabeth Brashears live at the time of her death? A I don't know, she registered in the early days in Mississippi and I don't know whether she lived there when she died or not.
Q Are you married? A Yes sir.
Q What is the name of your husband? A William H. Smith.

- Q Is he a white man? A Yes sir.
Q When were you married to him? A In 1877.
Q Where was the marriage ceremony performed? A At Clearwater, Arkansas.
Q Were you married under the laws of the state of Arkansas? A Yes sir.
Q Have you any evidence of your marriage with you? A Yes sir.

There is offered in evidence, marked Exhibit A, and made a part of the record in this case, a marriage license issued by O. P. Sanders, county clerk of White County, Arkansas, for the marriage of M. M. Smith to Emma Dumas; and attached thereto is the certificate of J. C. Mason, a minister of the gospel, certifying that on December 20, 1877, he united the above named parties in marriage.

- Q Were your father and mother married legally? A Yes sir.
Q Where were they married? A In Georgia.
Q Do you know when they weremarried? A No sir.
Q Have you any evidence of their marriage? A Not with me.
Q Have you any children? A Yes, I have four.
Q Give me the names of your minor unmarried children? A Emma Grace Smith.
Q How old is she? A She is 14 years old.
Q The next one? A Lorana Smith.
Q How old is she? A She is 5 years old.
Q Are there any others? A No sir.
Q Your married children and those over the age of 21 will have to make application in person? A Yes sir.
Q Were you or any of your children ever recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe? A No sir.
Q Were you or your children ever admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said Nation or by the Commission to the Five Civilized Tribes? A No sir.
Q Do you now appear before this Commission for the purpose of claiming rights in the lands in the Choctaw Nation in Indian Territory under the provisions of the treaty of Dancing Rabbit Creek concluded between the United States and the Choctaw Indians on September 27, 1830? A Yes sir.
Q The 14th article of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 privileges of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you think you understand that provision of the article 14 of the treaty of 1830 A I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article? A My grandmother Brashears did.
- Q Was your grandmother, Elizabeth Brashears, living in the old Choctaw Nation in Mississippi and Alabama in 1830 A I don't know; I reckon she was.
- Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements in this old Nation at that time? A Yes, sir, they owned property there.
- Q Is this Elizabeth Brashears the only one through whom you claim your right to identification? A Yes sir.
- Q Did she own any property therein the old Choctaw Nation? A Yes sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the Indian Agent in Mississippi their intention to stay, take lands and become citizens of the states under the provisions of article 14 of the treaty of 1830 A I don't know.
- Q Did any of your Choctaw ancestors ever claim to receive any lands from the United States government under the provisions of this 14th article of the treaty of 1830? A Not that I know of.

Soon after the ratification of this treaty of Dancing Rabbit Creek it was contended that certain Indians were not allowed to register by the Indian Agent then located in Mississippi, so Congress by acts passed March 3, 1837, and August 23, 1842, created two commissions which should go there and hear the claims of those who had been deprived of their lands because of the failure of the Agent of the Government to properly note their names, under the provisions of article 14 of the treaty of 1830.

- Q Did any of your ancestors apply to these commissions? A Not that I know of.
- Q Did you ever hear of any of your ancestors who received patents to lands in Mississippi or Alabama according to the provisions of this treaty? A I don't know.
- Q Did any of your ancestors ever receive any scrip from the United States government? A I don't know.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir, none but grandmother Brashears.
- Q Do you know how she was recognized as a member of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did she ever receive any benefits from the United States as a Choctaw Indian? A I don't know.
- Q Have you any witnesses you desire to be heard at this time in support of your application? A Not at the present time.
- Q Got any written evidence you desire to file at the present time in support of your application? A No sir.

You will be allowed thirty days from this date within which to present any further evidence you may have in support of your application. No extension of this time will be allowed except upon written motion to the Commission.

Q Are there any further statements you desire to make at this time? A. No sir. I don't believe I have.

Reference is made to the Scott S. Dumas case for the purposes of consolidation.

The applicant has straight black hair, grey eyes, and dark complexion; she has all the appearances of being a white person possessed of no Indian blood.

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

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings had in the above case on March 23, 1903, and that foregoing is a true and correct translation of his stenographic notes in same to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles H. Sawyer
Notary Public.

989

COPY.

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

---0---

In the matter of the application of Emma E. Smith, et al.
for identification as Mississippi Choctaws, consolidating the appli-
cations of

Emma E. Smith, et al.,	M. C. R. 7268
Oliver Alvin Smith,	M. C. R. 7263
Bertha Knox, et al.,	M. C. R. 7269

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

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Emma E. Smith for herself and her two minor children, Emma Grace and Lorena Smith; by Oliver Alvin Smith for himself and by Bertha Knox for herself and her minor child, Marrel Smith Knox, under the following provision of the act of Congress approved June 22, 1906 (34 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 Elizabeth Brashears, who is alleged to have been an one quarter 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 Elizabeth Brashears, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 315).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma E. Smith, Emma Grace Smith, Lorena Smith, Oliver Alvin Smith, Bertha Knox and Murrel Smith Knox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Washington, Indian Territory;

AUG 5 1903

COPY.

Muskogee, Indian Territory, August 5, 1903.

Emma E. Smith,
Timpson, Texas.

Dear Madam:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma E. Smith, et al.,	M.C.R. 7268
Oliver Alvin Smith,	M.C.R. 7363
Bertha Knox, et al.,	M.C.R. 7269

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma E. Smith, Emma Grace Smith, Lorena Smith, Oliver Alvin Smith, Bertha Knox and Murrel Smith Knox, as Choctaw Indians entitled 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.

Register.

COPY:

Muskogee, Indian Territory, August 5, 1903.

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

Gentlemen:

You are hereby advised that on the 8th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma E. Smith, et al.,	M.C.R. 7268
Oliver Alvin Smith,	M.C.R. 7363
Bertha Knox, et al.	M.C.R. 7269

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma E. Smith, Emma Grace Smith, Lorena Smith, Oliver Alvin Smith, Bertha Knox and Murrel Smith Knox, as Choctaw Indians entitled 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 Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner of Indian Affairs

COPY.

Muskogee, Indian Territory, August 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emma F. Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 5, 1903.

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

Emma F. Smith, et al.,	M C R 7268
Oliver Alvin Smith,	M C R 7325
Bertha Knox, et al.,	M C R 7269

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.

This case refers to the consolidated Mississippi Choctaw case of Scott S. Dumas et al., M C R 4006; decision rendered May 15, 1903 and forwarded to the Department June 1, 1903.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
2 enclosures. M C R 7268

Refer in reply
to the follow-
ing: Land
54336-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, June 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws, of the following parties, to wit: Emma E. Smith, for herself and her two minor children, Emma Grace and Lorena Smith; Oliver Smith, for himself; and Bertha Knox for herself and her minor child, Kurrel Smith Knox; wherein a decision adverse to the applicants was rendered by the Commission August 5, 1903.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Elizabeth Brashears, through her son, John B. Dumas, it being claimed that Elizabeth Brashears was a Choctaw Indian and a resident in Mississippi in 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim descent does not appear on

their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this Office has been made with reference to the names of Elizabeth Brashears and John B. Dumas, 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 said Article and Treaty. Neither does it appear that they applied to either of the Commissions appointed under Acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians. It is therefore the opinion of this Office that the decision of the Commission, rejecting the applicants, is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

CTC-Ma

D.C.3141-1906
I.T.D.4804-1904

(Copy)

J.W.H.
LIB
IRS

DEPARTMENT OF THE INTERIOR.

WASHINGTON, January 19, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the record in the matter of the application of Emma E. Smith et al. for identification as Mississippi Choctaws, which was forwarded by the Commission to the Five Civilized Tribes August 21, 1903, with its decision of August 5, 1903, adverse to all the applicants.

It is alleged that the principal applicant, Emma E. Smith, obtained her Choctaw blood from her father, John B. Dumas; that the latter was born in North Carolina, removed to Mississippi and therefrom to Arkansas, where he died. It is further alleged that the said Dumas was the son of a Choctaw woman named Elizabeth Brashers, and that she was a recognized citizen of the Choctaw Nation in 1830, and registered or attempted to register in accordance with the provisions of article 14 of the treaty of that year.

Reporting in the matter June 10, 1904, the Indian Office stated that its records do not show that John B. Dumas or Elizabeth Brashers complied or attempted to comply with the provisions

of article 14 of the treaty of 1830. Accordingly, the Indian Office recommended that the action of the Commission in the matter be approved. A copy of its letter is inclosed.

It is observed that the applicants in the Mississippi Choctaw case of Scott S. Dumas et al. claimed descent from various members of the Dumas and Brashears families. In said case the Department held, approving the opinion of the Assistant Attorney-General for this Department of December 26, 1906, that the testimony was insufficient to establish that the ancestors of the applicants were citizens of the Choctaw Nation in 1830.

In the case now under consideration, the Department finds that the testimony is too vague and indefinite to warrant the conclusion that Elizabeth Brashears, the alleged ancestor, was a citizen of said nation at the date of the treaty of Dancing Rabbit Creek. Said testimony is also insufficient to sustain the allegation that she registered with Colonel Ward for the benefits of the treaty.

As this is a case of attempted compliance with the treaty, unsupported by the records of the Indian Office, the testimony should be full, clear, and convincing. Finding that it is not so, the decision of the Commission adverse to the applicants is hereby affirmed.

Respectfully,

(signed) THOS. HYAM,
First Assistant Secretary.

1 inclosure.

MCR 7268

COPY

Muskogee, Indian Territory, January 27, 1906.

John Hurley,
Attorney at Law,
Texarkana, Texas.

Dear Sir:

There is enclosed you herewith copy of a letter from the Secretary of the Interior of January 19, 1906 (I T D 4804-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of June 10, 1904 (Land 54336-1903), affirming the decision of the Commission to the Five Civilized Tribes rendered August 5, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Emma Smith, et al.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

McM 100

Muskogee, Indian Territory, January 27, 1906.

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

Gentlemen:

There is enclosed you herewith copy of a letter from the Secretary of the Interior of January 19, 1906 (I T D 4804-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of June 10, 1904 (Land 54336-1903), affirming the decision of the Commission to the Five Civilized Tribes rendered August 5, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Emma Smith, et al.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

779

REFER IN REPLY TO THE FOLLOWING

MCR-7268

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

Muskogee, Indian Territory, January 27, 1906.

Emma E. Smith,
Timpson, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of August 5, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Emma E. Smith, et al., of which, the application for the identification of yourself and minor children, Emma Grace and Lorena Smith, as Mississippi Choctaws, is a part.

Respectfully,

W. O. Beall

Acting Commissioner.

REFER TO M. C. R. 7268

Emma E. Smith, et al

Consolidated Case

Supplemental to
M.C.R. 4006

Elizabeth Brashears 14

married

John B. Dumas, D.

wife

mch
7269

Emma E. Dumas 43/16

married

mch
7269

Bertha Smith, 20/32

married

mch
7269

Murrel Smith Knox,

10 mos

w.

Caroline Dumas, D.

Madison M. Smith w.

W. S. Knox, w.

mch
7269

Emma Grace Smith, 14

"Lorena Smith, 5

mch
7363

Oliver Alvin Smith,

22/32

No.

7268

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 25 1905

Name Emma E. Smith

Age 43. Blood 1/16

Post Office, Simpson, Tex.

Father: John B. Dumas.

Mother: Caroline "

Claims through father.

Children:

Emma Grace Smith 14 yrs.

Lorena " 5 "

Stenographer

J. A. Apple.

ACTION APPROVED BY SECRETARY OF INTERIOR:

JAN 19 1906

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

JAN 27 1906

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

JAN 27 1906

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

1906

Choctaw MCR 7269

Bertha Knox

MCR 7269

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., MARCH 23, 1903.

In the matter of the application of Bertha Knox for the identification of herself and her minor child, Murrel Smith Knox, as Mississippi Choctaws.

John Hurley, attorney for applicants, present.

Bertha Knox, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Bertha Knox.
- Q How much Choctaw blood do you claim to have? A One thirty-second.
- Q What is your age? A I am 20.
- Q What is your post office? A Sulphur Springs, Texas.
- Q How long have you resided in Texas? A Thirteen years.
- Q Where did you live prior to that time? A In Arkansas.
- Q How long did you live in Arkansas? A I was born in Arkansas. I lived there until I was 6 or 7 years old and then went to Texas.
- Q When you left Arkansas you went to Texas where you have since resided? A Yes sir.
- Q What is the name of your father? A M. M. Smith.
- Q Is he living? A Yes sir.
- Q What is the name of your mother? A Rosa E. Smith.
- Q Is she living or dead? A She is living.
- Q Through which parent do you claim your Choctaw blood? A My mother.
- Q What is the name of your mother's father? A John B. Dumas.
- Q What is the name of your mother's mother? A Caroline Dumas.
- Q Through which of these persons do you claim your Choctaw Indian blood? A John B. Dumas.
- Q You claim through your mother's father? A Yes sir.
- Q How much Choctaw blood do you claim to be possessed of? A I am one-thirty-second.
- Q How much Choctaw blood did John B. Dumas have? A He was one-eighth.
- Q What was the name of his father? A I don't know.
- Q What was the name of his mother? A I don't know - yes, her name was Elizabeth Strickland.
- Q Do you claim through Elizabeth Strickland? A Yes sir.
- Q How much Indian blood did she have? A She was one-fourth.
- Q Are you married? A Yes sir.

- Q What is the name of your husband? A W. T. Knox.
Q Is he a white man? A Yes sir.
Q Have you any children? A I have one.
Q What is the name of your child? A Murrel Smith Knox.
Q A boy? A Yes sir.
Q When was he born? A The 20th of last May.
Q When were you married to your husband? A June 30, 1901.
Q Where was the marriage ceremony performed? A Riley Springs, Texas.
Q Where? Riley Springs, Texas.
Q Were you married under the laws of the State of Texas? A Yes sir.
Q Who married you? A G. E. Holley.
Q Is he a minister of the gospel? A Yes sir.
Q Got any evidence of your marriage? A Yes sir.

There is filed herewith certified copy of the marriage license between W. T. Knox and Bertha Smith; same is marked Exhibit A and made a part of the record in this case.

- Q Were you ever recognized by the tribal authorities of the Choctaw Nation as a citizen of that tribe in Indian Territory? A No sir.
Q Have you ever made application to this Commission for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Have you for yourself or has one for you appeared before this Commission and made application for your identification as a Mississippi Choctaw? A No sir.
Q This is your first appearance before the Commission? A Yes sir.
Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty concluded between the United States and the Choctaw Indians on September 27, 1830? A Yes sir.
Q That 14th article of the treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be 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 annuities."

- Q Do you understand that article? A Yes sir.

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the treaty of Dancing Rabbit Creek? A No sir.
- Q Were any of your Choctaw ancestors living in the Choctaw Nation in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was ratified? A I don't know.
- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in Mississippi or Alabama at that time? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Nation in Mississippi to the new Choctaw Nation in Indian Territory with the bulk of the Choctaws who removed between 1833 and 1836? A No sir.
- Q Did any of your Choctaw ancestors down in Mississippi ever signify to the Indian Agent of the United States that they desired to remain, take lands and become citizens of the States? under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q So far as you know did any of your Choctaw ancestors ever claim to receive any lands from the United States under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Certain Choctaw Indians claimed that they were not allowed to register under this 14th article by the United States Indian Agent in Mississippi, and on this account on March 3, 1837, and on August 23, 1842, Congress passed acts providing for the creation of two commissions who should hear the claims of these Choctaw Indians and register those whose names had not been noted by the Indian Agent under the 14th article of the treaty of 1830.

- Q Did any of your ancestors appear before any of these commissioners for registration? A No sir.
- Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe in Mississippi? A No.
- Q So far as you know did any of your ancestors ever receive any benefits whatever from the United States as Choctaw Indians? A No sir.
- Q Have you any witnesses you desire to be heard at this time in support of your application? A No sir.
- Q Have you any written evidence to offer at this time in support of your claim? A No sir.

You will be allowed thirty days from this date within which to present any further evidence you may have in support of your application; and no extension of this time will be given, except upon a motion in writing filed with the Commission, showing cause for such extension.

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

Examination by Mr. Hurley.

- Q In answer to the query "Did any of your ancestors ever receive any lands from the United States as Choctaw Indians?" your answer was "No"; you mean that you do not know anything about it? A Yes, sir, I don't know. I was thinking about my grandfather owning some property there in Mississippi before he moved to Arkansas.
- Q You don't know of any of your ancestors owning or getting any benefits from the United States in Mississippi as Choctaw Indians? A I don't know anything about it.

Mr. Hurley:

This case is one of the Scott S. Dumas cases, and for the purposes of consolidation reference is made to that case; and to the case of Emma E. Smith, M C R 7268.

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

The applicant is of the brunette type, has black hair, brown eyes, and to all appearances is a white person possessed of no Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings had in the above application on March 23, 1903, and that the foregoing is a true and correct translation of his stenographic notes taken in said case, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this March 30 1903.

Charles H. Sawyer
Notary Public.

THOSE WHOM GOD HATH JOINED TOGETHER LET NO MAN PUT ASUNDER.

THIS CERTIFIES THAT W. T. Knox, of Sulphur Springs,
State of Texas AND Bertha L. Smith, of Sulphur Springs, State of
Texas. WERE UNITED IN MARRIAGE According to the Ordinance of GOD
and the Laws of the State of Texas, In the year of our Lord one
thousand nine hundred and one On the thirtieth day of June.

Witnesses.

Mr. L. R. Price
Mrs. L. R. Price

By Rev. G. E. Holley.

The Almighty God, Father, Son, and Holy Spirit, bless, pre-
serve and keep you, pour upon you the riches of his grace to such
a degree, that ye may please Him both in body and soul, and live
together in holy love unto the end of your lives. Amen.

-----o-----

I, Milo Blair, stenographer to the Commission to the Five
Civilized Tribes, do hereby certify on oath that the above and
foregoing is a true and correct copy of the certificate of mar-
riage between W. T. Knox and Bertha L. Smith, the parties therein
named.

Milo Blair

Subscribed and sworn to before me this 24th day of March, 1903.

Edward Merrick
Notary Public.

COPY.

Muskogee, Indian Territory, August 5, 1903.

Bertha Knox,

Sulphur Springs, Texas.

Dear Madam:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma E. Smith, et al.,	M.C.R. 7268
Oliver Alvin Smith,	M.C.R. 7268
Bertha Knox, et al.,	M.C.R. 7269

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma E. Smith, Emma Grace Smith, Lerona Smith, Oliver Alvin Smith, Bertha Knox and Murrel Smith Knox, as Choctaw Indians entitled 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)

I. B. Needles,
Commissioner in Charge.

Register.

MCR-7269

COPY.

Muskogee, Indian Territory, January 27, 1906.

Bertha Knox,

Sulphur Springs, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of August 5, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of ~~Emma~~ E. Smith, et al., of which, the application for the identification of yourself and minor child, Marrol Smith Knox, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

No.

No. 7269

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Bertha Knox.

Age 20. Blood 1/32.

Post Office, Sulphur Springs, Tex.

Father: M. M. Smith L

Mother: Emma E. Smith L

Claims through mother

Husband

W. J. Knox L

Children:

Murrel Smith Knox.

10 mo

Stenographer S. A. Apple.

Refused
1903

MISSISSIPPI
Bertha Knox, et al.

REFUSED.

ACTION APPROVED BY SECRETARY OF INTERIOR:

JAN 19 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 20 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS:

JAN 20 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 20 1906

Choctaw MCR 7270

Mrs. May Putnam

MCR 7270

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7270

In the matter of the application of Mrs. May Putnam for the identification of herself and her three minor children, Olive McClintock and Ernest H. and Sarah L. Putnam, as Mississippi Choctaws.

Thomas & Harrison attorneys for applicant.

Mrs. May Putnam being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mrs. May Putnam.
Q How old are you? A Forty one.
Q What is your post office address? A Kansas City, Missouri.
Q Street and number? A Corner of 76th and Holmes St.
Q How long have you been living in Kansas City? A 16 or 17 years.
Q Where did you live before that? A Naples, Scott County, Illinois.
Q Where were you born? A Naples, Illinois.
Q Resided there until you moved to Kansas City? A Yes sir.
Q What is your father's name? A John Harper.
Q Is he living? A No sir.
Q What is your mother's name? A Louisa Harper. Lord was her maiden name.
Q Through which of your parents do you claim Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A An eighth I think they have figured it.
Q Where were your father and mother married? A Lee County, Iowa.
Q Under a license? A Yes sir.
Q Have you any evidence of their marriage with you? A I have it here in the city; I haven't it here.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother; thirty days will be allowed.

- Q Through which one of his parents did your father claim his Choctaw blood? A From his father.
Q What was his name? A William Harper.
Q How much Choctaw blood did William Harper have? A He was half blood.
Q What was your father's mother's name? A Gentry.
Q Her first name please? A I don't know that.
Q Did she have any Choctaw blood? A No sir, I think not.
Q Did he have a Choctaw Indian name, William Harper? A Not that I knew of.
Q Did your father have a Choctaw name? A No.
Q Have you any other brothers and sisters? A No, I am the oldest one living.

- Q Have you any young ones? A Yes sir.
- Q Give their names, please. A Mrs. Kate Cadwell- this one here- and Frank Harper, he registered Saturday night and left the city.
- Q Have any of your ancestors through whom you claim your right to be identified as a Mississippi Chectaw ever been recognized in any manner or enrolled as members of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States? A Not that I knew of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Ralph W. Putnam.
- Q Is he a Chectaw Indian or white man? A White man.
- Q He is living? A Yes sir.
- Q You make no claim for him? A No sir.
- Q Have you any minor children? A Three.
- Q Give their names and ages. A My eldest child is Clive McGlintock (boy); he is twenty years of age; my next child is Ernest H. Putnam, five years old and then Sarah L. Putnam two years old; that is all.
- Q Is your name to be found on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Chectaw tribal authorities for yourself and children to be enrolled as members of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application for citizenship in the Chectaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any description that has been made for yourself or in behalf of your children? A Yes sir.
- Q Do you appear before the Commission now for the purpose of making application for identification as Mississippi Chectaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes; I have heard it read enough to understand it.

That article 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 Is that the provision of law under which you are claiming your right to identification as a Mississippi Chectaw? A Yes sir.
- Q What is the name of your Chectaw ancestor who was living in Mississippi in 1830 when this treaty was made and head of a family

- at that time? A Charles Harper.
- Q He was your grandfather? A My grand grandfather.
- Q Was your great grandfather living in Mississippi when this treaty was made? A I understand he was.
- Q When did your grandfather die? A I can't tell you that; I remember him; I don't remember the date of his death.
- Q You say that Charles Harper was living in Mississippi in 1830? A Yes sir.
- Q Then the ancestor through you claim the right to identification was Charles Harper. A Yes sir.
- Q What was his blood? A Full blood Choctaw.
- Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I think so.
- Q Which one? A Charles Harper.
- Q In what manner did he comply or attempt such compliance? A It is understood that he tried to register under Ward and was refused registration; that is my understanding.
- Q That is family tradition? A Yes, that's all I know about it.
- Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I think so.
- Q You are not positive? A No sir.
- Q Did Charles Harper own any improvement at that time upon what constituted the old Choctaw Nation in the States of Mississippi and Alabama? A I don't know that.
- Q Did your ancestor, Charles Harper, remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation at the time of the removal of most of the Choctaw Indians between 1833 and 1838? A I think not.
- Q The ancestor from whom you claim, within six months after the ratification of the treaty of 1830-- did he signify to the agent of the Government at that time an intention to remain, in Mississippi, take land there and become citizen of the States? A I think so.
- Q Only signified his intention? A As far as I know; yes sir.
- Q Where did you get this information? A Well, it has been handed down from generation to generation; it is in the family.
- Q Cannot you specify someone that gave you that information? A I learned it from my mother who heard my grandfather talk about it.
- Q She wasn't a Choctaw? A No sir.
- Q What did she say to you relative to the attempted compliance on the part of Charles Harper? A Well, she said that it was her understanding that he was a Mississippi Choctaw but she wasn't positive about it; she just heard his talk.
- Q Did she explain to you what he meant by saying he was a Mississippi Choctaw? A That he had been in Mississippi.
- Q Simply that he had lived in Mississippi? A Yes sir.
- Q That is the only reason why he was a Mississippi Choctaw? A Yes sir.
- Q Did she tell you specifically in what manner he went to Col. Ward, the Indian agent and attempted to comply with article 14? A No sir.
- Q She recited to you no incident concerning the visit of his to Ward? A Nothing at all about that.
- Q She simply told you that your ancestor, Charles Harper had attempted to register with Col. Ward, without any other information on the subject? A That's all.
- Q Do you know where Charles Harper resided in Mississippi? A No sir.

- Q You never saw him? A No sir.
- Q Did you ever see your ancestor, William Harper? A Yes sir.
- Q What was his appearance? A I can't tell you; I was only three or four years old; I remember his death, and funeral- that's all I know; possibly I was six years old.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know that.

In accordance with the provisions of Dancing Rabbit Creek the Government directed the agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did signify their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and as a result of his neglect the land upon which the Indians lived and had improvements and which they reserved for themselves under the fourteen article of the treaty of 1830 was sold by the Government at Public land Sale and the Choctaws deprived of their land. This caused many complaint and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard claimants under that fourteenth article of the treaty of 1830.

- Q Now, if any of your ancestors made an attempt to comply it comes specifically under this provision. Now did any of your Choctaw ancestors appear before the Commission of 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I have heard they did.
- Q In what manner did they do so? A I can't tell you.
- Q Where did you get the information that they did? A From different relatives.
- Q I would like for you to state at least one relative who told you this. A I have got the most of this from a nephew of my father's; I won't say now; I don't know.
- Q What did they say about it? What was the general trend of this tradition? A They told me that they had tried to register and had been refused by Col. Ward.
- Q That is not relating to these Commissions? A I don't know that.
- Q Do you know whether any of your Choctaw ancestors applied to said Commissions for the purpose of adjudicating the rights of people whom Ward had refused to register? A I don't know.
- Q And your own ancestor was one who had been refused registration-

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen but that his land had been sold by the Government that he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Arkansas or Louisiana, 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 ancestors ever receive any such scrip from the Government of the United States? A I don't know.

Q Did you ever hear of any of them having received such scrip?

A Well, I have heard mother say just recently that she had heard William Harper speak of being deprived of his right; that's all I remember of it.

Q You knew nothing about them having received any scrip? There's never been a tradition in your family at all-- A Nothing at all.

Q So far as you know were any of your ancestors recognized members of the Chectaw tribe of Indians? A Not that I know.

Q So far as you know have any of them received any benefits as Chectaw Indians? A Not that I know.

Q Have you any witnesses you wish to introduce? A No; I think not.

(Attorney says none except applicants.)

Q What is the name of the father of Clive McClintock? A William A. McClintock.

Q He is dead? A Yes sir.

Q He had no Chectaw blood? A No.

Q What was the name of the father of the other two children? A Ralph W. Putnam.

Q Have you any documentary evidence to offer at this time?

A Not at this time.

You will be allowed thirty days from this date in which to introduce further evidence in support of this application; this time will not be extended.

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

Examination by Mr. Harrison:

Q What is the understand you have as to the object your ancestor had in applying to Col. Ward for registration? A I don't know; I don't understand that.

Q Was it as you understand for the purpose of getting his rights secured to him as a Chectaw Indian in Mississippi? A (No answer.)

Q When he went before Col. Ward as you understand he did do you understand that his object was to get his rights secured to him as a Chectaw Indian?

A That's my understanding.

By the Commission:

Applicant has the appearance of being descended from white parentage; brown hair, blue eyes, fair complexion, and has no knowledge of any compliance of any of her ancestors with the provisions of article fourteen of the treaty of 1832. Further that family tradition has handed down to the fact that her ancestor, according to

7270----6

register with the Indian agent in 1831.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause March 25, 1903, and that this is a full, true and correct extension of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 8 day of April, 1903.

Charles H. Sawyer

Notary Public.

W.C.R. 7357
• 6826
• 7870
• 7113

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing certified copy of the marriage certificate between John Harper and Louisa Loyd, offered in support of the application made by John Harper for identification as a Mississippi Choctaw; certified copy of marriage certificate between G.W.F. Garrison and Maude O. Brown, offered in support of the application made by Maul O. Garrison for the identification of herself and minor children as Mississippi Choctaws; original marriage certificates between Wm. Alexander McClinton and Ida May Harper, offered in support of the application made by May Patnam for the identification of herself and minor children as Mississippi Choctaws; and the joint affidavit of John O. Woodward and Margaret Woodward to the marriage of Poy Freeman and his wife, Eliza Freeman, offered in support of the application made by Eliza J. Lammel for the

T & N 2

identification of herself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Commissioner in Charge.

✓ M C R
7270-7110-6272
7261-7271

Muskogee, Indian Territory, April 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between John H. Cowperthwaite and Lena McConnell; also affidavit of Samuel J. Cowperthwaite and joint affidavit of J. V. Minor and Alice Minor to the marriage of Samuel J. Cowperthwaite and Rachel Matilda Howard, offered in support of Mississippi Choctaw case, No. 7110, John H. Cowperthwaite.

Also certified copy of marriage record between Schuyler C. Fleming and Dora Harper offered in support of Mississippi Choctaw case No. 6272, Dora Fleming, et al; certified copy of marriage record between Lewis W. Druite and Lucy Edna offered in support of Mississippi Choctaw case No. 7261, Lewis W. Druite, et al; certificate of marriage between George P. Caldwell and Kate B. Harper offered in support of Mississippi Choctaw case No. 7271, Kate B. Caldwell, et al; certified copy of marriage record between Ralph W. Putnam and Annie McClintock offered in support of Mississippi Choctaw

T & H 2

tax case No. 7270, Mary Putnam, et al.

The same have been filed with the record in these respective cases.

Respectfully,

Commissioner in Charge.

M C/R 7134
7297-7270-6644
6502-6770

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing the following:

Joint affidavit of Jas H. Trimble, J. F. Hoffman, Sallie Hoffman, E. H. McCormick and E. A. McCormick, offered in support of the Mississippi Shooter case of Henry Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Shooter case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles H. Baldwin and E. J. Johnson, offered in support of the Mississippi Shooter case of Lewis J. Baldwin, et al.

Affidavit of Mrs. Susan V. Hanson, offered in support of the Mississippi Shooter case of Victor E. McCormick; also affidavit of Mrs. S. Gentry offered in support of the same case.

Marriage license and certificate between George H. Field and Sarah Putnam, offered in support of the Mississippi Shooter case of David S. Field, et al.

Joint affidavit of C. E. Gentry and A. E. Nelson, offered

T & E 2

and in support of the Mississippi Chapter case of Annie Arden, et al.

certified copy of marriage certificate between William Harper and Elizabeth Rankin, offered in support of the Mississippi Chapter case of Mrs. May Feltus, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M C R 7270

Muskogee, Indian Territory, November 6, 1903.

Mrs. May Putnam,
Corner 76th & Holmes Streets,
Kansas City, Missouri.

Dear Madam:

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,

Commissioner in Charge.

M C R 7270

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Mrs. May Putnam that she will be allowed thirty days from this date in which to submit further evidence in support of her application 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Mrs. May Putnam,

76 & Holmes St.,

Kansas City, Missouri.

Dear Madam:

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 of yourself and minor children, Clive McClintock, Ernest H. and Sarah L. Putnam as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record 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,

Register

Commissioner in charge.

M C R 7270

Muskegee, Indian Territory, June 26, 1905.

Mrs. May Putnam,
76 & Holmes Streets,
Kansas City, Missouri.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Mar 23 - 1903.*

Name *Mrs. May Putnam*

Age *41* Blood *1/8* *Galileo.*

Post Office, *Kansas City Mo.*

Father: *John Harper*

Mother: *Louisa Harper nee Lord*

Claims through *Father*

Children:

- Agnes*
- 20. Cleve McClintock*
- 5 Ernest A. Putnam*
- 7. Sarah L. "*

Father of oldest child
Wm A McClintock D.W.

Father of 2 youngest
Ralph W. Putnam D.W.

Stenographer *N. J. Harris*

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Mrs. Mary Putnam, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 27 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

COPI 97 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

COPI 3

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

COPI 3

Choctaw MCR 7271

Katie B. Cadwell

MCR 7271

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 21, 1903.

7271

In the matter of the application of Katie B. Cadwell for the identification of herself and her three minor children, Beulah M., Earl C. and Homer E. Cadwell, as Mississippi Chectaws.

Thomas & Harrison, attorneys for applicant:

Katie B. Cadwell, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Katie B. Cadwell.
Q How old are you? A Thirty eight.
Q What is your post office address? A Griggsville, Illinois.
Q How long have you lived in Griggsville? A Nineteen years.
Q Where did you live before that? A Naples, Illinois.
Q How long did you live in Naples? A Nineteen years.
Q You were born in Naples? A Yes sir.
Q Did you ever reside in Mississippi? A No sir.
Q What is your father's name? A John Harper.
Q Is he living? A No sir.
Q What is your mother's name? A Louisa Lord was her maiden name.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Chectaw blood? A Father.
Q How much Chectaw blood do you claim? A One eighth.
Q Your father then was one quarter Chectaw? A Yes sir.
Q Was he ever recognized or enrolled as a Chectaw Indian by the Chectaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
Q He never lived in Indian Territory, did he? A No sir.
Q Where was he born? A In Spencer County, Indiana.
Q Where did he die? A Naples, Illinois.
Q Your mother, Louisa Harper, was a white woman, was she? A Yes sir.
Q Do you know whether your father had any brothers or sisters? If so, name them. A Allen Harper is a twin brother; and Martha and Margaret.
Q Were your father and mother married by a minister under a license? A Yes sir.
Q Where were they married? A In Lee County.
Q Have you any proof of that marriage? A I can bring it.
Q It will be necessary to furnish such proof. Are you married?
A Yes sir.
Q What is your husband's name? A George F. Cadwell.
Q He is living is he? A Yes sir.
Q Is he a white man? A Yes sir.
Q Has he Chectaw blood? A No sir.

- Q Do you make any claim for him? A No sir.
- Q Have you any children you wish to apply for? A Three.
- Q Give the name of the eldest under age and unmarried.
- A Beulah M. Cadwell, 17; Earl C. Cadwell, 15; Homer E. Cadwell, 11.
- Q That's all? A Yes sir.
- Q Is George F. Cadwell the father of these? 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 to the Choctaw tribal authorities or to the United States authorities for enrollment as a Choctaw Indian? A No sir.
- Q For yourself or children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q You never have been enrolled as a Choctaw Indian by any authority whatever or had ~~xx~~ your children enrolled? A No sir.
- Q You now appear for the purpose of identifying yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim for yourself and these children under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

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

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article fourteen of the treaty of 1830?
- A From hear-say.
- Q State what that hear-say consisted of. A Directly to me it was from my mother; my mother has told me of it.
- Q What did she tell you? A That my great grandfather was a full blood.
- Q Is that all your mother told you? A That's about the sum of it.
- Q What else did she tell you? A Well, I can't tell anything more only that my grandfather was the one that told her about the Indian blood; and told that his father was full blood.
- Q Now what was his father's name? A Charles Harper.
- Q Now the provision of law that I have just read is the one under which you are claiming the right to identification as Mississippi Choctaws for yourself and children? A Yes sir.

- Q What is the name of your Chectaw ancestors who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A Charles Harper.
- Q Was your great grandparent, Charles Harper living in Mississippi when this treaty was made? A Yes sir.
- Q When did Charles Harper die? A I don't know.
- Q Then the ancestor through whom you claim your right to identification as a Mississippi Chectaw was Charles Harper an alleged full blood who resided in Mississippi in 1830? A Yes sir.
- Q How did he comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A --
- Q That's the provision I just read to you? A Well, they say he did.
- Q Who said he did? A Well, it was passed down through the family.
- Q Where did you get the information? A My mother.
- Q What did she tell you about it? A They-- that he tried to register and failed.
- Q For what reason did he fail-- did she say? A Because they wouldn't let him.
- Q Did she give you any reason why he wasn't permitted? A No sir.
- Q Your mother simply stated to you that it was her information that your ancestor, Charles Harper applied to be registered and was refused? A Yes sir.
- Q To whom did he apply? A Ward.
- Q What Ward? A Colonel Ward.
- Q Who was he? A I can't tell you.
- Q Was Charles Harper a recognized member of the Chectaw tribe of Indians at that time? A Yes sir.
- Q Was he married and head of a family at that time? A Yes sir.
- Q What is the name of the son of Charles Harper through whom you claim? A William.
- Q Is he living now? A No sir.
- Q How long has he been dead? A I can't tell you.
- Q Do you know when he was born? A No sir.
- Q Do you know how old he would be if living now? A No sir.
- Q Do you know whether he was living with his father, Charles Harper in the old Chectaw Nation in Mississippi and Alabama in 1830? A I don't.
- Q You don't know, then, where he was born, when he died, or his age or his residence in 1830? A Of course I could trace back in time when he died.
- Q I am asking you now? A No sir.
- Q Did any of your ancestors own an improvement in 1830 upon what constituted the old Chectaw Nation in Mississippi and Alabama? A Yes sir.
- Q What did that improvement consist of? A I don't know.
- Q You understand that improvement means houses, out-houses, or anything of that kind; you don't know what these improvements consisted of? A No sir.
- Q Did any of your ancestors remove from the old Chectaw Nation in Mississippi or Alabama to the present Chectaw Nation in Indian Territory at the time of the removal of a portion of the Chectaws in 1833 to 1838? A I don't know.
- Q Did any of your Chectaw ancestors within six months from the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time to remain in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Chectaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know when your great grandfather, Charles Harper, removed from Mississippi? A No sir.

Q Do you know where he removed to? A No sir.

Q Do you know how long he resided in Mississippi after 1830?

A No sir.

Q How much of a family did he have in 1830? A I don't know.

Q Did he have a wife living at that time? A Yes sir.

Q Do you know what her blood was? A No I don't know.

Q Where was William Harper born? A I don't know.

Q Do you know the name of Charles Harper's wife? A It was Miss Cheatham.

Q Do you know her first name? A I don't.

Q Do you know where William Harper died? A Naples, Illinois.

Q And your father's name was John Harper? A Yes sir.

Q Where was he born? A He was born in Spencer County, Indiana.

Q When? A In 1828.

Q Are you sure about that? A I can bring records to prove it.

Q You answer that question then, upon information received from family records? A Yes sir.

Q Where was your father, John Harper buried? A In Naples.

Q Has he a monument over his grave? A No sir.

Q When did he die? A Three years ago.

Q How old was he at the time of his death? A Seventy two.

Q And he was born in Indiana and died in Illinois? A Yes sir.

Q Do you know how long his father, William Harper, resided in Indiana prior to his birth? A No sir.

Q Did you ever know William Harper personally? A Yes sir.

Q What was his appearance? A I have no remembrance of him except the day he was buried.

Q What was the appearance of your father, John Harper, in reference to his being Indian? A High cheek bones, straight, coarse hair, swarthy complexion; he was heavy built.

Q Do you know whether he could talk the Chectaw language? A He could not.

Q Do you know in what portion of Mississippi or Alabama Charles Harper resided? A No sir.

Q Was it in Mississippi or Alabama? A Mississippi.

Q You only know that it was the State of Mississippi? A That's all

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Chectaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Chectaws who really signified to him their intention to remain in Mississippi and comply with the fourteenth article of the treaty of 1830 and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under the article was sold by the Government at Public Land Sale and the Chectaws deprived of their land. This caused many complaints and these complaints finally reached Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Now you claim that your Choctaw ancestor, Charles Harper, attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek and he was refused registration by the agent, Ward, that's your claim, is it? A Yes sir.

Q Did he then afterwards or did his son, William Harper, afterwards appear before either of said Commissions, that of 1837 or 1842 and attempt to establish their rights as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Q Do you know whether your ancestor, William Harper, ever complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know.

Q That was your grandfather, William Harper, wasn't it? A Yes sir

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Do you know whether Charles Harper or your grandfather, William Harper received any scrip from the Government of the United States? A I don't know.

Q Do you know whether they ever received any land in any of those States mentioned from the Government by reason of their being Choctaw Indians? A I don't know.

Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A No sir.

Q Do you know whether any of them ever received any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses to introduce? A Not at this time

Q Have you any written evidence? A No sir.

Q Do you desire to offer evidence at a later date? A Yes sir.

You will be allowed thirty days from this date within which to introduce proper proof in this case to this Commission in support of this application; this time will not be extended.

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

Q Did your father? A No sir.

Examination by the Commission:
(Remark by attorney Harrison)

Q I would like to introduce the certificate of the record of marriage of the grandfather and grandmother of this applicant.

(Certificate of marriage of William Harper and Rebecca Rider submitted, accepted, marked Exhibit "A" and made a part of this record.)

Examination by Mr. Harrison:

- Q The improvements you testify about as being owned by your great-grandfather in Mississippi in 1830---do you not derive your information relative to that fact from your family history and tradition? A Yes sir.
- Q You don't undertake to speak positively that he did own any improvements in Mississippi in 1830? A No sir.
- Q Then if you have so stated you were mistaken in that , were you not? A Yes sir.
- Q And according to your information he did own land? A Yes sir.
- Q Have you ever heard it mentioned by members of your family or as a part of your family tradition and history that Col. Ward the Indian agent was a drunkard at the time of the application of your great grandfather? A That's what I have been told.
- Q And by reason of his condition of drunkenness your great grandfather was refused permission to register? A Yes sir.

Examination by the Commission:

- Q Who told you that Ward was a drunkard? A I can't tell you who told me.
- Q Did they tell anything about the circumstances of his having been drunk at the time your great grandfather applied for registration? A No sir.
- Q Just simply the general information that he was a drunkard at that time? A Yes sir.
- Q Is it not a fact that your grandfather, William Harper, was not residing with your great grandfather at the time that Ward was acting as agent in Mississippi? A I don't know.
- Q But that your grandfather, William Harper, was a resident of Indiana at that time, in 1830? A Yes sir.
- Q Your father was born in Indiana in 1838? A Yes sir.
- Q And consequently your grandfather knew nothing about that except whatever hear-say or any information that Charles Harper might have given him? A I don't know whether my grandfather was there in Indiana in 1830.
- Q Do you know whether your father resided in any other place except Indiana until he went to Illinois? A I don't know; I can't say sure.
- Q Do you know whether your grandfather, William Harper, after 1838 went to Mississippi with his family? A I don't know; I think not.
- Q There is no tradition in your family that your father ever resided in Mississippi at all? A No sir.
- Q Is there any tradition in your family that William Harper ever resided in Mississippi? A No sir.
- Q The only tradition in your family as to residence of ancestors is that Charles Harper once resided in Mississippi? A Yes sir.

- Q Do you know from family tradition that Charles Harper resided in Mississippi in 1830? A From tradition; yes sir.
- Q And you cannot now state from whom you get the information that Ward was a drunkard and for that reason refused to register your great grandfather under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q How long have you had that information? A Not very long.
- Q Cannot you say then about how long? A Not over three weeks.
- Q Then you never knew that Ward was a man of intemperate habits until three weeks ago? A No sir.
- Q And you never knew until three weeks ago that it was for that reason that your grandfather failed to be registered? A No sir.
- Q When did you first discover, Mrs. Cadwell, that you were possessed of Choctaw blood? A About three weeks ago.
- Q Prior to that time you didn't know that you had any Choctaw blood? A No sir.
- Q Who informed you, Mrs. Cadwell, first of your Choctaw blood-- your possessing it? A This John Harper that's registered here.
- Q How did he inform you-- by letter? A Yes sir.
- Q And he told you that you were Choctaw? A Yes sir.
- Q It is a matter that has been kept secret, somewhat? A Yes sir.
- Q You had been a resident of the Northern States where the existence of Indian blood is not looked upon with favor and then it was never talked in your family of that you were Choctaws? A No sir.
- Q Then, Mrs. Cadwell, will you give the Commission information about this family tradition that you have testified to relative to your Choctaw blood? A Well, when it was told to me, of course I asked my mother and then she told that she was well acquainted with William Harper and had heard him talk a great deal about this blood.
- Q That has been then within the last three weeks? A Yes sir.
- Q Have you any further questions, Mr. Harrison?

Examination by Mr. Harrison:

- Q Isn't it a fact that you have not lived in the immediate neighborhood of the members of your family who are interested in tracing your genealogy for the purpose of establishing your rights as Choctaw? A I wasn't near any of them.
- Q For that reason you had no opportunity of discussing this matter? A No sir.
- Q But when it came up among other members of your family, believing that you were interested, they wrote you about it and in that way you learned about it? A Yes sir.
- Q You don't undertake to say that the matter was kept secret; that the existence of your Indian blood was a matter of which you were ashamed and it was----A Yes sir; if you want the truth, my mother was ashamed of it.
- Q You testified a few moments ago relative to the fact of a proof as ascertained from the family records; your testimony as to that fact was as you understand the family records, isn't it? A Yes sir.
- Q There might have been and there may yet be a tradition as to your father and grandfather's having lived at one time in Mississippi and you now not be aware of it? A Oh, yes, there might be.

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Q That's all.

By the Commission:

Q Now Mrs. Cadwell, who are these relatives of yours and where do they reside who are interested in looking up your Choctaw blood? A There are so many of them scattered I can't tell you.

Q Just give a few. A This John Harper that was registered.

Q He is the one that wrote to you? A Yes sir.

Q He lives in Oklahoma? A Newkirk.

Q Then the people that have been interested in looking up this Choctaw blood are residents of other States than you? A Yes sir.

Q And your communication with them has been through the United States mails? A Yes sir.

Q Now, you know what a record is, don't you? A Yes sir.

Q It is a written evidence of a fact. A Yes sir.

Q When you give the date of the birth of your father from family records do you mean that you give that from written records?

A Yes, in the family Bible.

Q And your understanding of that Bible is the same as your understanding of the English language, isn't it? A Yes sir.

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

Applicant has the appearance of being descended from white ancestry; brown hair, blue eyes, fair skin; has no knowledge of a compliance on the part of her ancestors with article fourteen of the treaty of Dancing Rabbit Creek but testified to an attempted compliance and refusal of registration upon the part of her ancestor, Charles Harper, as being derived from family tradition.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 21, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 8 day of April, 1903.

Charles H. Sawyer

Notary Public.

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7261-7271
✓

Muskegee, Indian Territory, April 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskegee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between John H. Cowperthwaite and Iona McCennell; also affidavit of Samuel J. Cowperthwaite and joint affidavit of J. W. Minor and Alice Minor to the marriage of Samuel J. Cowperthwaite and Rachel Matilda Howard, offered in support of Mississippi Choctaw case, No. 7110, John H. Cowperthwaite.

Also certified copy of marriage record between Schuyler G. Fleming and Dora Harper offered in support of Mississippi Choctaw case No. 6272, Dora Fleming, et al; certified copy of marriage record between Lewis W. Drelte and Lucy Kuhns offered in support of Mississippi Choctaw case No. 7261, Lewis W. Drelte, et al; certificate of marriage between George F. Cadwell and Kate B. Harper offered in support of Mississippi Choctaw case No. 7271, Katie B. Cadwell, et al; certified copy of marriage record between Ralph W. Putnam and Mamie McClintock offered in support of Mississippi Choctaw

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tax case No. 7270, Mary Putnam, et al.

The books have been filed with the record in these respective cases.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 20, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing joint affidavit of P. N. Lewis and Rebecca Lewis, offered in support of the application made by Katie B. Cadwell, et al., for identification as Mississippi Choctaws. Said affidavit has been filed with the record in this case.

Respectfully,

Chairman.

M C R 7271

Muskogee, Indian Territory, May 20, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th instant, inclosing affidavit of Katie B. Cadwell, offered in support of the Mississippi Choctaw case of Katie B. Cadwell, et al. The same has been filed with the record in this case.

Respectfully,

Chairman.

M C R 7271

Muskogee, Indian Territory, November 6, 1903.

Katie B. Cadwell,

Griggsville, Illinois.

Dear Madam:

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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Katie B. Cadwell that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Katie B. Cadwell,
Griggsville, Illinois.

Dear Madam:

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 of yourself and children, Beulah M., Earl C. and Homer E. Cadwell as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record 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.

M C R 7271

Muskogee, Indian Territory, June 26, 1905.

Katie B. Cadwell,
Griggsville, Illinois.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Mar. 23-1903.*Name *Hattie B Cadwell*Age *38* Blood *1/8*Post Office. *Grygonville Ill*Father: *John Harper D*Mother: *Louisa Harper ne Lovell*Claims through *Father*Husband *Geo. F Cadwell*

Children:

*Beulah M. Cadwell 17**Earl. C " 15**Amey C. " "*

Stenographer

H. J. Haines

Katie B. Cadwell et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT:

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT:

JUN

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

5670

Choctaw MCR 7272

George W. Harper

MCR 7272

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T., March 23, 1903.

7272

In the matter of the application of George W. Harper for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicants.

George W. Harper being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. Harper.
Q How old are you? A Forty eight.
Q What is your post office address? A Sook Yards Station, Kansas City Kansas.
Q How long have you lived there? A Fifteen years.
Q Where were you born? A In Illinois.
Q What part? A Pike County.
Q Where did you reside before coming to Kansas City, Kansas?
A In Illinois, on the Mississippi River.
Q Did you ever reside in the State of Mississippi? A No sir.
Q What was your father's name? A William Harper.
Q Is he living? A No sir.
Q What is your mother's name? A Rebecca Rider.
Q Is she living? A No sir.
Q Through which parent do you claim your Choctaw blood? A My grandfather.
Q Which parent? A Father.
Q How much Choctaw blood do you claim? A One fourth.
Q How much Choctaw blood did your father have? A One half.
Q Then his father was a full blood? A Yes sir.
Q Were your father and mother married under a license by a minister? A Yes sir.
Q Have you evidence of that marriage? A Yes sir.

The marriage certificate of William Harper and Rebecca Rider referred to-- the same being filed in the case of Katis B. Cadwell, M.G.R. 7271.

- Q Where were they married? A In Winchester, Illinois, I believe.
Q Through which one of his parents did your father claim his Choctaw blood? A From his father.
Q What was your father's father's name? A Charles Harper.
Q How much Choctaw blood did Charles Harper have? A Full blood.
Q Did he have an Indian name? A Yes.
Q What was it? A ...
Q ...

- Q Did your father have a Choctaw name? A He didn't.
- Q Have you any brothers or sisters? A Yes sir.
- Q Give their names? A William, Charles and Richard.
- Q Have they applied to the Commission for identification as Mississippi Choctaws? A No sir.
- Q Where do they reside? A I don't know.
- Q You don't know the residence of your brothers? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's blood? A White; she has Indian blood but I don't know what Nation.
- Q Do you make any claim for her? A No sir.
- Q Have you any minor children for whom you wish to apply? A No sir.
- Q This application is for yourself alone? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any description that has ever been made by you or in your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation under article fourteen of the treaty of 1830? A I am.
- Q Do you understand that article? A Yes sir.

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

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What was the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A Charles Harper.
- Q How many members did he have in his family in 1830? A I don't know.
- Q Do you know of any children he had living with him in 1830? A No sir.

- Q Do you know of any child of Charles Harper who was a resident of Mississippi in 1830? A No sir.
- Q Do you know of any child of Charles Harper who was living and a resident of any other State in 1830? A No.
- Q Did Charles Harper live in Mississippi when this treaty was made? A I don't know, but I understand he did.
- Q From what source do you get that understanding? A Well, when I was small I heard my father speak of Mississippi; of his father being from Mississippi.
- Q About how small were you? A Six or seven years old. I can just remember him speaking of it.
- Q That's been about 40 years ago that you heard that? A Yes sir.
- Q Is that the last time you heard it? A Yes sir.
- Q Then it is simply a family tradition that your ancestor, Charles Harper, at one time resided in the State of Mississippi? A Yes sir.
- Q You don't know whether he resided there at all in 1830 or not? A No sir.
- Q When did your grand-father Charles Harper die? A I don't know.
- Q Do you know where he was born? A No sir.
- Q Do you know where he died? A No sir.
- Q Do you know his age in 1830? A No sir.
- Q Do you know whether he died prior or subsequent to 1830? A No I don't.
- Q Then the ancestor through whom you claim your right to identification as a Mississippi Choctaw was Charles Harper? A Yes sir.
- Q His son, William Harper, was your father? A Yes sir.
- Q William Harper is dead, isn't he? A Yes sir.
- Q When did he die? A About 30 years ago as near as I can tell.
- Q That would be in '73? A Yes sir.
- Q What was his age at the time of his death? A I don't know.
- Q Do you know when he was born? A No sir.
- Q Do you know where he was born? A Born in Illinois.
- Q Do you know where he was buried? A In Illinois; I wouldn't be sure about his being born in Illinois.
- Q Was he born prior to 1830, if you know? A I don't know.
- Q Do you remember your father, William Harper? A I remember a little of him.
- Q You are forty eight years old, Mr. Harper, and if your father died thirty three years ago you would be 15 years of age at the time of his death; wouldn't you remember the appearance of your father at that time? A I wasn't that old when he died.
- Q Then he must have died prior to '73. A I don't remember very little about him.
- Q From what you remember about him what aged man would you judge him to be at the time of his death? A He was in his seventies.
- Q Now did any of your Choctaw ancestors, William or Charles Harper ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830- that is the article that I have just read to you? A It is my understanding that they did.
- Q Which one? A From family history.
- Q Which one of them attempted to comply? A My grandfather.
- Q What was his name? A Charles Harper.
- Q Then it was not William, it was Charles Harper who attempted to comply? A Yes sir.
- Q Well, state in what that attempt consisted? A Well, they tried to register under Col. Ward and was refused.
- Q Where did you get such information? A From hear-say; I don't know.
- Q How long have you been possessed of that information? A About three or four weeks.
- Q How long have you been possessed of knowledge that you had Choctaw blood? A Well, I have heard my father speak of being part Indian.

- Q You have heard your father speak of it? A Yes sir.
- Q When? A I was about 7 years old.
- Q Did he say what kind of Indian blood he was possessed of?
- A Not that I recollect.
- Q Now, isn't it strange that you can remember conversations with your father and cannot remember his appearance? A I can just remember his speaking about Indian blood.
- Q What was when you were about 7 years of age? A Yes sir.
- Q Where were you living at the time you heard your father speak of his Indian blood? A Scott County, Naples, Illinois.
- Q Will you state the details of the information or facts imparted to you of the attempt upon the part of your ancestor, Charles Harper, to comply with article fourteen of the treaty of 1830? A No, I can't.
- Q You say you have only had that information three weeks? A Yes sir.
- Q In what manner was it imparted to you? A Through letter.
- Q From whom? A From this John Harper.
- Q And he told you that Charles Harper attempted to comply? A Yes sir.
- Q It is not a matter of family tradition then that one of your ancestors did attempt to comply, is it? A No.
- Q It is information that has reached you quite recently? A Yes sir.
- Q And farther, family tradition goes no further than that your ancestors were possessed of Indian blood? A That 's all.
- Q That is the only tradition in your family? A Yes sir.
- Q 's it a tradition in your family that any of your ancestors ever resided in Mississippi? A It is.
- Q Who imparted to you that information? A This John Harper.
- Q Within the last three weeks? A Yes sir.
- Q Then it is not a matter of family tradition that your ancestors resided in Mississippi, is it? A No sir.
- Q Tradition means family history and it is not a matter of family history that your ancestor ever resided in Mississippi? A Well, yes sir.
- Q Where did you get that information? A From hearing the families talk of it.
- Q Whom have you heard talk of your ancestors' residing in that State? A Mrs. John Harper.
- Q Is that the wife of the man who wrote you? A No sir, it is the mother of this one you just took application for; she is my sister-in-law; she raised me; my mother and father died when I was small.
- Q What did you hear her say about the residence of your ancestor?
- A Why, I heard her say that this Charles Harper was full blood Indian and that William Harper, my father, often talked to her about the Indian blood in him.
- Q Now, that's all you heard her say, is it? A Yes sir.
- Q You are positive that your family history as given to you by Mrs. John Harper covered nothing but the question of your Indian blood or the Indian blood of your ancestor and conversation between her and your father, William Harper? A Yes sir.
- Q Is there anything in that to indicate a residence in Mississippi? A No sir.
- Q Then you never did hear until three weeks ago that your ancestor resided in Mississippi? A No sir.
- Q Then it is not within your knowledge or tradition in the family that any of your ancestors resided in the State of Mississippi?
- A No sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A No sir.

Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama?

A That's my understanding.

Q That understanding has come to you within the last three weeks?

A Yes sir.

Q Did you also receive information of what that improvement consisted? A No sir.

Q The bare statement that they were owners of improvements in 1830? A Yes sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the United States Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent there in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to him to do so and on this account in many instances the land upon which Indians had improvements and lived and which they desired reserved for them under article fourteen was sold by the Government at its Public Land Sale and the Choctaws deprived of their land. This caused complaints to arise among the Choctaws and finally these complaints reached Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government of the United States? A I don't know.

Q So far as you knew were any of your ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q Do you know whether any of your ancestors ever owned any land in the States of Mississippi, Louisiana, Arkansas or Alabama?

A I don't know that they did.

Q Have you any witnesses to introduce? A Not at this time.

Q Have you any written evidence with you? A No sir.

Q Do you desire to offer evidence at a later date? A Yes sir.

You will be allowed thirty days in which to introduce further proper proof in support of this application; this time will not be extended.

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

Q Did your father speak or understand the Choctaw? A No sir.

Q You never knew your grandfather? A No sir.

Examination by Mr. Harrison:

Q There might have been a family tradition in your family as to the existence of your Choctaw blood and also as to the fact of an attempt by Charles Harper to register in Mississippi about 1830 and still you not be conversant with that tradition prior to three weeks ago? A Yes sir.

Q Is it not a fact that your present residence and indeed for some years is and has been separate and apart from your relatives who have recently given you this information about your family and discussed it with you? A Yes, it is.

Q And for that reason you have not had the opportunity to become so familiar with your family history as you might have had if you had more frequent intercourse with your family?

Examination by the Commission:

This applicant has the appearance of being descended from white parentage; brown hair, blue eyes, sandy mustache, high cheek bones fair complexion; had no knowledge until the last three weeks of a compliance or attempted compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings above on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 8 day of April, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 7272.

Muskogee, Indian Territory, November 6, 1903.

George W. Harper,
Stock Yard Station,
Kansas City, Kansas.

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 your application for identification as a Mississippi Choctaw 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,

Commissioner in Charge.

M.C.R. 7872.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified George W. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision thereon and no further evidence will then be received or extension of time granted,

Respectfully,

Commissioner in Charge.

M.C.R. 7272

Muskogee, Indian Territory, March 19, 1904.

George W. Harper,
Stock Yards Station,
Kansas City, Kansas,

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 your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7272

Muskogee, Indian Territory, June 26, 1905.

George W. Harper,
Stock Yards Station,
Kansas City, Kansas.

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 19th day of March, 1905.

Respectfully,

Chairman.

9/

No.

7272

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Nov. 23. 1903.*

Name *George W. Harrison*

Age *48* Blood *1/4*

Post Office, *Stoddards Stat. K.C. Kans.*

Father: ~~*Wm Harrison D. C.*~~

Mother: *Rebecca Miller - D.*

Claims through

Father

Children:

Self alone

[Signature]

MISSISSIPPI
George W. Harper

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 15 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 16 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

JUN 16 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

2. B. 5670

Choctaw MOR 7273

Mattie Walker Lester

MOR 7273

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7273

In the matter of the application of Mattie Walker Lester for the identification of herself and her minor child, George Errel Lester, as Mississippi Cheetaws.

F. M. Bailey, for applicant:

Mattie Walker Lester being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie Walker Lester.
Q How old are you? A Forty eight.
Q What is your post office address? A Algiers, Louisiana.

(Reference is made to the case of Alberta W. Gaines, M.C.R. 4639.)

- Q How long have you lived at Algiers? A Ten years.
Q Where did you reside before that? A Holmes County, Mississippi.
Q Where were you born? A Holmes County, Mississippi.
Q You lived in Holmes County, Mississippi, until you moved to Alexandria? A No sir, I lived in Memphis, Tennessee.
Q How long did you reside in Memphis, Tennessee? A Up to 23 years ago; then I moved to Louisiana.
Q But you have been a resident within the State of Louisiana 23 years? A Yes sir.
Q What is your father's name? A John Dawson Walker.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth Walker; Westbrook was her maiden name.
Q Is she living? A No sir.
Q Through which parent do you claim Cheetaw blood? A My father.
Q How much Cheetaw blood do you claim? A I suppose I have 1/8.
Q Were your father and mother married under a license by a minister? A Yes sir.
Q Have you evidence of that marriage? A I am going to get it; I haven't it on hand.

You will be allowed thirty days to produce evidence of the marriage of your father and mother.

- Q Through which one of his parents did your father claim his Cheetaw blood? A His mother.
Q How much Cheetaw blood did your father have? A I suppose he was a quarter.
Q What was your father's mother's name? A I have always heard her name was Frances--Shanblid, I have heard since.

- Q How much Chectaw blood did Frances Chambliss Walker have?
 A A half I think from what I have heard.
- Q Did she have a Chectaw Indian name? A I can't say.
- Q You don't know? A No sir.
- Q Have you any older brothers or sisters? A Yes sir.
- Q You may state their names and residence? A They are all dead except two; Mrs. Burley lives in Corinth, Mississippi; there are only two of us.
- Q Has she made application? A No sir, she's here now.
- Q Is she older or younger than you? A Older; I don't know how much; several years.
- Q Has your father through whom you claim your right to identification as a Mississippi Chectaw ever been recognized in any manner or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States?
 A Not that I knew of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Heber Lester.
- Q Is he a white man? A Yes sir.
- Q Makes no claim to Indian blood? A No sir.
- Q You make no claim for him as a Chectaw Indian? A No sir.
- Q He is living? A No sir; dead.
- Q Have you any minor children? A One.
- Q What is its name and age? A George Errel Lester, twenty.
- Q Is the name of yourself or son to be found upon any of the tribal rolls of the Chectaw Nation? A No sir.
- Q Did you ever make application for yourself and child to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Chectaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Is this the first application of any description that has been made by you or in your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights for yourself and son under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I have heard it and read it.

Article fourteen of the treaty of 1830 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 Is that the provision of law under which you are claiming your rights to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A John Walker.
- Q What relation was John Walker to you? A My father's father.
- Q Your grandfather? A Yes sir.
- Q Was he residing in Mississippi or Alabama in the old Choctaw Nation when this treaty was made? A I think in Alabama.
- Q How much Choctaw blood was John Walker possessed of? A I don't suppose he had any.
- Q He was a white man? A Yes sir.
- Q By what reason then do you claim from John Walker a white man? A From his wife, my grandmother, I suppose.
- Q By reason of his marriage with a Choctaw Indian woman? A Yessir.
- Q What was the name of John Walker's Choctaw Indian wife? A Frances Chambliss.
- Q Was that her maiden name? A Yes, I heard it was.
- Q And she married John Walker, a white man? A Yes sir.
- Q When did your grandparents, John Walker and Frances Chambliss Walker die? A I can't say; I don't know; that was before my time.
- Q Do you know where they resided in 1830 at the time this treaty was made? A In Alabama.
- Q What part of Alabama? A Sumter County.
- Q Do you know what portion of the State of Alabama Sumter County is situated in? A It is near Mississippi.
- Q Is it in that part of the State known as the old Choctaw Nation? A I suppose so.
- Q How much Choctaw blood was Frances Chambliss Walker possessed of? A Half I suppose.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? Mrs. Lester, that is the section of law that I just read to you a moment ago; do you know if any of your Choctaw ancestors attempted or did comply with the provisions therein set out? A My grandfather.
- Q What was his name? A John Walker.
- Q But he was a white man? A Yes sir.
- Q And he would have no right to comply with the stipulations of the treaty, being a white man? A He did it for his wife and children.
- Q How many children did John Walker have in 1830 for whom he applied? A He had seven.
- Q Will you give their names? A I have heard them; there was four boys and three girls. John, James, William and Goelsby; Nancy, Mary or Polly, and Elizabeth.
- Q Was John Walker and his Choctaw Indian wife and his children recognized as members of the Choctaw tribe of Indians at that time? A I guess they was.
- Q You know nothing except-- A What I have heard.
- Q Then it is based upon family tradition that they were members of the Choctaw tribe of Indians and recognized as such at that time? And did your Choctaw ancestor, John Walker, and his wife and family own any improvements in what is known as the old Choctaw Nation in the State of Mississippi or Alabama in 1830---by improvements is meant any structure, houses, barns, orchards, etc.,? A I suppose they did; I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 and 1838; did they send West any of them with the Indians?

- A They must have some of them come.
- Q Do you know which ones came? A It must have been my grandfather's sister and my father's sister.
- Q What was her name? Your father's sister? A I don't know; I just heard it.
- Q Was it Mary Giles Walker? A I think it was Elizabeth Ryan.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A Yes sir.
- Q Who did that? A John Walker for the benefit of his wife and seven children.
- Q Did he receive land under the provisions of article fourteen of the treaty of 1830? A Yes, I think he did.
- Q Do you know how much? A No sir.
- Q Do you know where that land was located? A No sir; I think in Sumter County, Alabama.
- Q Do you know what became of it? A No sir.
- Q You don't know what disposition was made of the land at all? A No sir.
- Q When did John Walker die? A I can't say.
- Q Do you know when his wife, Francis Chambliss Walker died? A I don't know; I have heard--
- Q What did you hear? A She died since my grandfather died.
- Q You don't remember about the time? A No sir, it was before my time.
- Q Do you know whether your grandfather, John Walker, sold that land before his death or not? A I don't.
- Q Do you know what improvements he was the possessor of in Alabama at the time of the ratification of the treaty of Dancing Rabbit Creek? A No sir.
- Q You don't know of any property he owned except certain lands he received from the Government? A No sir.
- Q Where did he die? A He must have died in Alabama.
- Q Where did Frances Chambliss die? A She died at my uncle's home in Mississippi; at Goolsby Walkers.
- Q Did Goolsby Walker die in the State of Mississippi? A Yes sir.
- Q Was born in Alabama? A Yes sir. Elizabeth Walker the daughter of John Walker and Frances Chambliss Walker.
- Q Did she die in Mississippi? A I don't know.
- Q Where did your father die? A Holmes County, Mississippi.
- Q How long had he resided in Holmes County? A I suppose ever since---I don't know.
- Q Do you know when he left Alabama? A He must have left there about twenty years before he died: I don't know.
- Q Do you know where William Walker resided during his life time? A No sir.
- Q Do you know where John Walker, the son of John Walker, resided? A No sir.
- Q Do you know where Mary Giles Walker lived and died? A No sir.
- Q Do you know where William Walker lived and died? A No sir.
- Q Do you know of any descendants of William Walker that are living today? A That must be these in Texas; we have two in Texas but I don't know which ones it is.

- Q Do you know anything of the present whereabouts of the descendants of Polly Walker? A They must be in the Territories somewhere.
- Q Do you know where Polly Walker died? A She must have died out in the Territory.
- Q This is all guess work? A Yes sir.
- Q Did you ever know your uncles and aunts, children of John Walker? A No sir, only my uncle Goolsby.
- Q He was the only one you know about? A That's all; I only know the others by what I have heard.
- Q When did Goolsby Walker die? A He was killed in '79.
- Q Knew his age at the time of his death? A I never paid any attention.
- Q About how old? A Must have been about 60. I don't know; I am just guessing at that.
- Q Did you ever see this land that John Walker secured from the Government in Alabama? A No sir.
- Q Do you know anything about the administration of any estate of John Walker in which your father, John Dawson Walker, participated? A No sir.
- Q You know nothing about the transfer or alienation of this land from the Walker family? A No sir.
- Q Did you ever see a patent or any evidence of title issued by the United States Government to John Walker for land in Alabama? A I have heard of it; I haven't seen it 'cause it's here.
- Q Did you know your grandmother, Frances Chambliss Walker? A She died before I saw her.
- Q You never saw her? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who signified to him their intention to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register or report to the Government the names of many Choctaw who really did signify their intention to stay in Mississippi, and comply with the provisions of article fourteen of the treaty of 1830. On this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under the treaty was taken and sold by the Government at its Public Land Sale and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had

complied with all the provisions of that article fourteen but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana 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 of the United States? A Not as I knew.
- Q So far as you knew were any of your ancestors recognized members of the Choctaw tribe of Indians? A My grandfather.
- Q Your grandmother and grandfather and his family then were recognized Choctaws, is that correct? A Yes sir.
- Q So far as you know did any of them receive any benefits as Choctaw Indians? A I know that my grandfather for his wife and children did receive land from the Government.
- Q Have you any witnesses to introduce further in behalf of your application? A No sir.
- Q Have you any documentary evidence you want to submit? A No sir.

You will be allowed thirty days from this date in which to offer further proper testimony in support of this case; this time will not be extended.

- Q Do you speak the Choctaw language? A No sir.
- Q Did your grandfather John Walker speak or understand the Choctaw language? A I think he did from what I heard from my mother.

Examination by applicant's attorney:

- Q Are you acquainted with Alberta W. Gaines? A Yes sir.
- Q What relation? A My father and her father were brothers.
- Q What was her father's name? A Geelsby Walker, my uncle.
- Q I think that's all.

By the Commission:

This applicant has the appearance of being descended from white parentage; light hair, fair complexion, blue eyes; she testifies to a compliance on the part of her grandfather, John Walker, a white man married to a half Indian woman named Frances Chambliss Walker, with article fourteen of the treaty of Dancing Rabbit Creek; she further testifies that there is a tradition in the family that he received land from the Government in Sumter County,

7273-----7

Alabama, under said article.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 8 day of April, 1903.

Charles H. Sawyer
Notary Public.

M C R 7273
M C R 7274
M C R 7275

Muskogee, Indian Territory, April 26, 1903.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certain documentary evidence offered in support of the Mississippi Choctaw applications of Mrs. M. E. Burley, Mrs. Mattie Walker and Mrs. R. B. or Lillian Hollandsworth. It is presumed that the Mattie Walker mentioned in your letter is identical with the Mattie Walker Lester whose name appears upon our records. Said documents have been filed in the consolidated Mississippi Choctaw case of Mary Elizabeth Burley, et al., of which the other mentioned applications are a part.

Respectfully,

Chairman.

COPY:

M.C.R. 7273

Muskogee, Indian Territory, October 5, 1903.

Mattie Walker Lester,
Algiers, Louisiana.

Dear Madam:

You are hereby advised that on the 5th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elizabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elizabeth Burley,	M.C.R. 7274
Lillian Hollandsworth, et al.	M.C.R. 7275
Kenneth Hollandsworth,	M.C.R. 7276
Mattie Walker Lester, et al.	M.C.R. 7273

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 Elizabeth Burley, Lillian Hollandsworth, Ina Haul Hollandsworth,

Mattie Walker Lester, --2

Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errol Lester, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

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

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

MCR-7273.

Muskogee, Indian Territory, March 16, 1907.

Mattie Walker Lester,
Algiers, Louisiana.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 5, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary E. Burley et al.

Respectfully,

Commissioner.

4

No.

7273

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *March 23, 1903*

Name *Mattie Walker Lester*

Age *48*

Blood *1/8*

Post Office, *Algiers La*

Father: *John Dawson Walker, D 24*

Mother: *Elizabeth Walker, D,*

Claims through

Lester

Husband

Stebert Lester

Children:

George Errol Lester 20
(Errol)

H. H. ...

Mattie Walker Reed

REFUSED

OCT 2 1907

OCT 2 1907

OCT 5

OCT 5 1907

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR - 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

Mar 1911

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

1911

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO ... 7574

Choctaw MCR 7274

Mary Elizabeth Burl

MCR 7274

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

--0--

In the matter of the application of Mary Elizabeth Burley,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Mary Elizabeth Burley, M.C.R. 7274
Lillian Hollandsworth, et al. M.C.R. 7275
Kenneth Hollandsworth, M.C.R. 7276
Mattie Walker Lester, et al., M.C.R. 7273

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

	(Page)
Original application of Mary Elizabeth Burley, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Certificate of T. L. West-----	9
Affidavit of E. A. Walker-----	10
Affidavit of S. W. Ellis-----	11
Affidavit of Dick Fluker-----	12
Affidavit of Alex A. Lanax-----	13
Certificate of E. D. Glenn-----	15
Certificate of Jas. H. McGee-----	16
Original application of Lillian Hollandsworth, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	17

Affidavit of L. L. Miller-----	22
Affidavit of C. A. Groff-----	23
Affidavit of B. H. Davis-----	24
Affidavit of W. W. Harvey-----	25
Original application of Kenneth Hollandsworth, to the Dawes Commission for identification as a Mississippi Choctaw-----	26
Original application of Mattie Walker Lester, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	32
Joint certificate of Eddy Conroy and Mrs. T. Broon-----	39
Decision of the Commission refusing the ap- plications in the consolidated case of Mary Elizabeth Burley, et al., for identifica- tion as Mississippi Choctaws-----	40.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7274

In the matter of the application of Mary Elizabeth Burley for identification as a Mississippi Choctaw.

F.W.Bailey, attorney for applicant:

Mary Elizabeth Burley, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Elizabeth Burley.
Q How old are you? A Sixty.
Q What is your post office address? A Corinth, Mississippi.

Reference is made to the case of Alberta W. Gaines, 4639.

- Q How long did you live in Corinth? A About twenty years.
Q Where did you reside prior to that? A Holmes County, Mississippi.
Q Where were you born? A Holmes County, Mississippi.
Q You resided in Holmes County till you moved to Corinth? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A John Dawson Walker.
Q What was your mother's name? A Elizabeth Walker.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one eighth.
Q Have you evidence of the marriage of your father and mother, a marriage certificate or license or copy of the same? A No sir.
Q Can you secure that evidence? A No sir I don't think I can get it as it has been destroyed, I have got proof of that fact.

Thirty days time will be given for the filing of evidence of the marriage of the parents of applicant.

- Q Where were they married- do you know? A It was either Alabama or Mississippi; I think it was in Alabama.
- Q were they married under a license by minister? A Yes I think they were.
- Q From which of his parents did your father claim his Choctaw blood? A From his mother.
- Q What was her name? A Frances Chambliss.
- Q Was that her maiden or married name? A Maiden name.
- Q Whom did she marry? A John Walker.
- Q How much Choctaw blood did Frances C. Walker have? A Well, she must have been half if I am an eighth; my father would have been 1/4
- Q She was a half blood you say? A Yes sir.
- Q Did John Walker, your grandfather, have any Choctaw blood? A No sir.
- Q He was a white man? A Yes sir.
- Q Did Frances Chambliss Walker have a Choctaw Indian name? A I don't know.
- Q Have you any older brothers and sisters? Living? A I have one sister.
- Q What is her name? A Mattie Lester; she's been here this morning.
- Q Are you married? A Yes, I am a widow.
- Q You have no minor children for whom you wish to make application? A No sir.
- Q This application is for yourself alone? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application for citizenship to this Commission under the act of Congress of June 10, 1896? A No sir; not as I know of.
- Q You would know if that application had been made, wouldn't you? A Yes sir.
- Q Do you appear before the Commission now to claim rights under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes; I would rather you read it.

Article fourteen of the treaty of 1830 reads as follows:
 "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the section of law under which you claim your right to be identified as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your ancestor who was living in Mississippi or Alabama in the old Choctaw nation in 1830 when this treaty was made and was the head of a family at that time? A John Walker.
- Q But John Walker was a white man. A Oh, John Dawson Walker.
- Q That is your father? A Yes sir.
- Q How old was John Dawson Walker in 1830? A He was about 21.
- Q When did John Dawson Walker die? A I can't remember just exactly.
- Q How old would he be if living now? A He would be between 85 and 90.
- Q Then he could not have been 21 years old in 1830? A No sir.
- Q Then you must have had some other ancestor who was of age and residing there then; who was that ancestor further back than John Walker? A Then his mother.
- Q What was her name? A Frances Chambliss Walker.
- Q Then Frances Chambliss Walker is the ancestor through whom you claim your right to be identified? A Yes sir.
- Q Do you know that your grandparents, John Walker, and his Choctaw Indian wife, Frances Chambliss Walker, was living in Mississippi or Alabama at the time this treaty was made in 1830-- 73 years ago? A I reckon they were.
- Q When did your grandparents die? A I don't know the year they died. I don't know anything about my grandfather; I have seen my grandmother.
- Q Where was she when you saw her? A At my father's house.
- Q In what State? A Holmes County, Mississippi.
- Q Did she die at your father's house? A No sir; in Sumter County at Uncle Goolsby Walker's.
- Q How old was she when she died? A Eighty years old.
- Q Don't remember the year she died? A No sir.
- Q Did she die prior to the Civil War? A I don't know exactly when I know she died soon after passed there; she stayed a good many days at my house; I recollect my grandmother Walker well.
- Q What was her appearance? A She was dark complexion.
- Q Any other facial features that indicated Indian blood? A Well, I was quite young; I didn't notice.
- Q How old were you at that time? A I don't remember now; I wasn't grown.
- Q You don't know when your grandfather, Walker, died, do you? A No sir; I never seen him.
- Q Now, did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article fourteen of the treaty of 1830 which I have just read to you? A No sir, not as I know of.
- Q Do you know if any of your Choctaw ancestors, that is, going back to your grandfather or grandmother or your father were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements within the old Choctaw Nation in the States of Mississippi and Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the

ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi or Alabama and take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any land from the Government by virtue of being Choctaw Indians and complying with the provisions of article fourteen of the treaty of 1830? A I don't know exactly.

Q You knew your uncle, Goolsby Walker, didn't you? A Yes sir.

Q When did he die? A He has been dead about 20 years.

Q That would be '83? A Yes sir.

Q How old was he when he died? A I don't know exactly.

Q Was he a very aged man at that time? A Yes he was getting along in years.

Q Was he as much as 70 years old? A No sir.

Q Sixty? A I don't think he was that old; I don't know exactly.

Q Just as near as you can? A He might have been in sixties.

Q What was Goolsby Walker's business in Mississippi? A He was a physician.

Q Was was a doctor? A Yes sir.

Q Do you know any other children of John Walker? A Yes, I knew William Walker, he was a physician also.

Q Where did William Walker live? A He went to Mexico to the War and he was away back; he got killed.

Q William Walker then was a physician in 1845, was he? A Yes sir.

Q He was the son of John Walker? A Yes sir.

Q You know that from positive knowledge? A Yes sir.

Q And you knew that he was a soldier in the Mexican War? A Yes sir.

Q Was he a surgeon in that War? A No sir, he and another man volunteered.

Q How old was he then? A I don't know.

Q But he was over twenty one? A Yes sir.

Q Did he have any children? A No sir; he was a single man; he wasn't married.

Q Are you sure it was the Mexican War he went to? A Yes sir, positive of that.

Q Did he leave Mississippi or Alabama to go to Mexico? A Now I don't know which; I knew he was visiting us and he went or came to see my father, his brother.

Q Do you know what troops he went with? A No sir.

Q You simply knew he went with the army and was killed? A Yes sir.

Q You knew that he left no descendants? A Yes; left no descendants.

Q Did you know Elizabeth Walker? A No sir; my father had three sisters but I didn't know them.

Q Did you know Mary Giles or Pelly Walker? A Have heard my mother speak of Pelly and Nancy.

Q Did you know James, your uncle? A No sir, I knew he had a brother James but I didn't know him.

Q You don't know where James lived? A In Alabama.

Q Do you know whether he had any children? A Yes I think he had.

Q Do you know what has become of those children? A No sir; two sons went to Guster and stayed with uncle Goolsby; I think they both of them died now; I seen one of them.

- Q Do you remember the Mexican War? A Well, I recollect my uncle leaving.
- Q Do you remember about his age at that time? A No sir, I don't.
- Q You don't remember how he looked? A Yes sir; he was sort of a heavy built man.
- Q Full age-- full grown? A Yes sir.
- Q He was a doctor at that time? A Yes sir.
- Q Do you know anything about the descendants of Elizabeth Walker?
- A That's Patty's sister?
- Q That was your father's sister. A I have heard her spoken of, but I don't know her.
- Q Do you know anything about the children of Goolsby's daughter Alberta W. Gaines? A She had a brother Joseph Walker; Goolsby brought them to my father and mother and we kept them a while.
- Q Do you know whether your grandfather owned any land-- you say he owned improvements-- but do you know whether he owned any land in Mississippi or Alabama in 1830 or thereafter? A He owned land when he was first married in Alabama.
- Q Do you know what he did with that? A No sir; but I have heard my mother speak of living there.
- Q You have also heard that he received land from the Government as the husband of a Choctaw Indian, haven't you? A No sir.
- Q Didn't you ever hear that he ever received any land from the Government? A I might but I have forgotten it now.
- Q Was it your grandfather that owned land and lived next to his mother after he married or was it your father? A It was my father.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to him the Government the names of many Choctaws who really did signify to him their intention to stay in Mississippi and take land and comply with the provisions of article fourteen of the treaty of 1830, and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen of that treaty was sold by the Government at Public Land Sale. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commission to go to Mississippi and hear claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors ever appear before either one of these Commissions appointed in 1837 and 1842 for the purpose of establishing rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas, Louisiana or to be taken from United Government land and that certificates to that effect should be given him, these certificates were called scrips.

Q Did any of your ancestors ever receive any such scrip from the Government of the United States? A I don't know.

Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians-- considered as Indians-- by the Indians themselves? A I don't know.

Q So far as you know did any of them receive any benefits as Choctaw Indians? A Not unless my grandmother.

Q Have you any witnesses you wish to introduce? A No sir.

Q Have you any written evidence? (Attorney for applicant says they require time.)

Thirty days time is allowed for the introduction of such; this time will not be extended.

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

Q When were you born? A I am 60 now.

Q Do you know the year you were born in? A I would have to count up; I know I am sixty.

Q You don't know the year you were born in? A Just count back from that.

Q Can you answer what year you were born in? A I haven't kept up with my age that way.

Q You remember seeing your uncle that went to the Mexican War, don't you? A Yes sir.

Q Well, that War occurred in 1845; that has been fifty eight years ago. A Well, I was small then.

Q Do you remember how old or how large you were when your uncle went to Mexico? A No sir.

Q You were large enough to remember him? A I just can remember him.

Q Can you give the year you were born in? A --

Q 1845 was the year of the Mexican war. A You know an old person that-a-way can't remember well.

Q Where did you attend school, Mrs. Burley? A Holmes County, Mississippi.

Q Do you remember whether you were in school prior to the Mexican War? A No sir; I wasn't old enough to go to school.

Q Is this your eldest and only daughter here present? A Yes sir.

Q Have you any sons older than she? A I haven't any.

Q Do you remember when she was born? A Yes; in 1863 during the War.

Q Have you ever had any other children? A One more.

Q Older or younger than she? A Younger.

Q How old were you when you were married? A I was 18.

Q When were you married? A I don't remember what year.

Q Can't you think about what year? A I can't remember.

Q Where did you get the information, Mrs. Burley, as to a compliance of John Walker with the treaty of 1830; with his going to the Indian agent and getting land? A Well, through Alberta Gaines

Q She informed you of that fact? A Yes, I didn't know anything about it.

Q When did she inform you? A My sister informed me.

Q How long ago was that? A I don't reckon its been more than four weeks ago.

Q That was the first knowledge you had of that fact? A Yes sir.

Q When did you get the first knowledge that you had Indian blood?

A Well, I knew from what she said if she had I had.

Q Then you didn't know anything about your Choctaw blood till three or four weeks ago? A Yes I knew if she had it I had it too.

Q She wrote to you? A No sir my sister found it out and she wrote to me; my sister had been away from me a good long while; I didn't know a thing about it till that; when my sister wrote to me about it she wrote that she heard it from Alberta.
Q Now, it was never talked in your family that you were part Indian? A No sir.
(To attorney) Any questions?

Examination by attorney for applicant:

Q Your father and mother died when you were young, didn't they?
A Yes sir.
Q Since their death you have lived apart from the other members of your family? A Yes sir.
Q Do you ever remember of hearing your father and mother speak the Indian language? A No sir; I have heard them talk about the Indians a good deal.
Q Did you ever hear your parents use the Indian language?
A I have heard them speak it to the children; I don't know what they meant by it.
Q You remember your uncle, William Walker, do you? A Yes sir.
Q And you say he went to the Mexican War? A Yes sir; I was young
Q Do you know whether it was early or late in the war when he went out? A No sir.
Q Don't you know what period of the war it was when he entered?
A No sir.
Q You understand he was killed on his return? A His mother said he was killed.
Q That was your grandmother? A Yes sir.
Q Remember seeing her at your home? A Yes sir.
Q Do you know where she went to when she left your home? A Went to Doctor Geahby Walker's and died there.
Q What was her appearance? A Dark complexion and small in stature
Q What was the color of her hair? A She was getting gray.
Q And you were quite small at that time yourself? A Yes sir.

By the Commission:

Q When was this that you saw your grandmother? A I don't remember now; the year; but I remember distinctly seeing her.
Q Was it it after the Mexican War or before it? A It was after.
Q How long after? A I don't remember.
Q But you remember how she looked? A Oh, yes I do.
Q You said you didn't understand the Chectaw language? A No sir, I don't.
Q Then you don't know whether your father and mother talked Chectaw to the children or not? A No sir, I don't.
Q That's all.

This applicant has the appearance of being descended from white parents; brown hair, blue eyes; fair complexion; had no knowledge

of the compliance or attempted compliance of her ancestors with article fourteen of the treaty of 1830. Her facial expression does not indicate the Indian.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 8 day of April, 1903.

Charles H. Sawyer

Notary Public.

COPY.

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

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In the matter of the application of Mary Elizabeth Burley,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Mary Elizabeth Burley, M.C.R. 7274
Lillian Hollandsworth, et al. M.C.R. 7275
Kenneth Hollandsworth, M.C.R. 7276
Mattie Walker Lester, et al. M.C.R. 7273

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

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Mary Elizabeth Burley for herself; by Lillian Hollandsworth for
herself and her four minor children, Ina Maud, Covey Bethel, Sam
Jones and Mary Lillian Hollandsworth; by Kenneth Hollandsworth for
himself; and by Mattie Walker Lester for herself and her minor
child, George Errol Lester, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 495):

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

It 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 Frances Walker, nee Chambliss, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Alabama in eighteen hundred and thirty, and whose husband was a white man who bore the name of John Walker.

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 John Walker appears on page 18 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a "Register of Choctaws as entered by the Agent previous to the 24th of August 1831, who wish to become citizens according to a provision of the treaty of eighteen hundred and thirty," as a white man having an Indian wife; but it does not appear from the evidence submitted by the several applicants herein that the John Walker, who was the husband of Frances Walker, nee Chambliss, through whom these applicants claim, is the identical John Walker whose name appears in the record above given.

It is also found that the name John Walker appears on page

76 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Moshulatubbee's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. It is further found that the name John Walker appears on page 125 of said record in "a list of claims allowed under the treaty in Mingo Moshulatubbee's district," apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the person therein named with its provisions.

It 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 Frances Walker, nee Chambliss, 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 Elizabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth,

Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errel Lester, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James D. Davis

Chairman.

(SIGNED)

I. B. Nease

COMMISSIONER

(SIGNED)

C. R. Breckinridge

COMMISSIONER

(SIGNED)

W. E. Stanley

COMMISSIONER

Maskogee, Indian Territory,

OCT 5 1903

M C R 7273
M C R 7274
M C R 7275

Muskogee, Indian Territory, April 25, 1903.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certain documentary evidence offered in support of the Mississippi Choctaw applications of Mrs. M. B. Burley, Mrs. Mattie Walker and Mrs. R. B. or Lillian Hollandsworth. It is presumed that the Mattie Walker mentioned in your letter is identical with the Mattie Walker Lester whose name appears upon our records. Said documents have been filed in the consolidated Mississippi Choctaw case of Mary Elizabeth Burley, et al., of which the other mentioned applications are a part.

Respectfully,

Chairman.

COPY.

M.C.R. 7274

Muskegee, Indian Territory, October 5, 1903.

Mary Elisabeth Burley,
Corinth, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elisabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elisabeth Burley	M.C.R. 7274
Lillian Hollandsworth, et al.	M.C.R. 7275
Kenneth Hollandsworth	M.C.R. 7276
Mattie Walker Lester, et al.	M.C.R. 7273

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 Mary Elisabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth,

Mary Elisabeth Burley, --2

Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errol Lester, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

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

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

COPY:

M C R 7274

Muskogee, Indian Territory, October 5, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 5th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elizabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elizabeth Burley,	M.C.R. 7274
Lillian Hollandsworth, et al.,	M.C.R. 7275
Kenneth Hollandsworth,	M.C.R. 7276
Mattie Walker Lester, et al.,	M.C.R. 7273

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Elizabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth, Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errol Lester, as Choctaw Indians entitled 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

M MoM & C--2

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

Respectfully,

(SIGNED)

James Bixby.
Chairman.

COPY!

M C R 7274

Muskogee, Indian Territory, October 5, 1903.

F. M. Bailey,

Attorney-at-Law,

Chickasha, Indian Territory.

Sir:

You are hereby advised that on the 5th, day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elizabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elizabeth Burley,	M.C.R. 7274
Lillian Hollandsworth, et al.,	M.C.R. 7275
Kenneth Hollandsworth,	M.C.R. 7276
Mattie Walker Lester, et al.,	M.C.R. 7273

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

Said decision concludes as follows:

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

F. M. Bailey--2

Elizabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth, Cevy Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errel Lester, as Choctaw Indians entitled 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 argument in this office, and that at the expiration of said time, the papers in the case, together with such argument, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Register:

COPY.

Muskogee, Indian Territory, October 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Elizabeth Burley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 5, 1903.

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

Mary Elizabeth Burley,	M.C.R. 7274
Lillian Hollandsworth, et al.,	M.C.R. 7275
Kenneth Hollandsworth,	M.C.R. 7276
Mattie Walker Lester, et al.,	M.C.R. 7275.

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.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., decision in which was rendered

Secretary -2-

by the Commission on May 15, 1903, and forwarded to the
Department on June 1, 1903.

Respectfully,

(SIGNED).

T. B. Needles.

Through the
Commissioner of Indian Affairs. Commissioner in Charge.

2 Enc., MCR 7274.

S.P. JF Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.7604-1907.

March 4, 1907.

LRS

DIRECT.

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

Sir:

On March 1, 1907 (Land 69547-07), the Indian Office transmitted your report, dated October 22, 1903, in the matter of the application of the consolidated application of Mary E. Burley, et al., for identification as Mississippi Choctaws, including the decision of the Commission to the Five Civilized Tribes, dated October 15, 1903, adverse to said applicants.

The Indian Office recommends that the decision in this case follow the decision in the Alberta W. Gaines case. A copy of its letter is inclosed.

The Department has this day denied the application of Alberta W. Gaines, et al., and it considers that the decision of the Commission to the Five Civilized Tribes in this case is correct. Said decision is accordingly hereby affirmed.

The record, together with the accompanying papers and a carbon hereof, has been sent to the Indian Office.

Respectfully,

E. A. Hitchcock
Secretary.

1 inc. and
2 to Ind. Of.

(COPY)

Land.
69347-1903.

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

March 1, 1907.

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 wherein Mary Elizabeth Burley applies for herself, Lillian Hollandsworth for herself and her four minor children, Ina, Maud, Covey Bethel, Sam Jones and Marry Lillian Hollandsworth, and by Kenneth Hollandsworth for himself, and by Mattie Walker Lester for herself and her minor child, George Errol Lester, for identification as Mississippi Choctaws, wherein a decision of rejection was rendered by the Commission to the Five Civilized Tribes on October 5, 1903.

The applicants in this case claim a right to identification as Mississippi Choctaws on their descent from John Walker and his wife Frances, contending that these ancestors were beneficiaries under the 14th article of the Choctaw treaty of 1830. The applicants are relatives of the applicants in the case of Alberta W. Gaines, which is being forwarded under this date, and it is recommended that the decision in this case follow the decision in the Alberta W. Gaines case.

Very respectfully,

NBH-Y.

G. F. Larrabee,
Acting Commissioner.

MCR-7274.

Muskogee, Indian Territory, March 16, 1907.

Mary Elizabeth Burley,
Corinth, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 5, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary E. Burley et al.

Respectfully,

Commissioner.

MCR-7274.

Muskogee, Indian Territory, March 16, 1907.

F. M. Bailey,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 4, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of March 1, 1907, affirming the decision of the Commission to the Five Civilized Tribes of October 8, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary E. Burley et al.

Respectfully,

Commissioner.

NEC encl.16-9

MCR-7274.

Muskogee, Indian Territory, March 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 4, 1907 (I.T.D. 7604-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of March 1, 1907 (land 69547-1903), affirming the decision of the Commission to the Five Civilized Tribes of October 5, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary E. Burley et al.

Respectfully,

Commissioner.

MEC encl. 16-10

REFER TO M. O. R. 7274

Mary Elizabeth Burley
et al

Consolidated Case

Supp. to M. O. R. 4639

Frances Chambliss Jr
married
John Walker, w.

John Dawson Walker, s. 14
married
Elizabeth Westbrook, 17

meck
7274
Mary Elizabeth Walker, 60 1/2
married
① W. M. Porter, —
② — Burleigh —

meck
7273
Mathe Walker, 48 1/8
married
Heber Lester, w. 5.

meck
7275
Lillian Porter, 40. 1/16
married
Robert B. Hollandsworth,

meck
7273
George Errol Lester. 20

meck
7276
Kenneth Hollandsworth, 21
meck
7275
Ma Mand Hollandsworth, 15
Covey Bethel Hollandsworth, 13
Sam Jones Hollandsworth, 10
Mary Lillian Hollandsworth, 4

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Mch. 23-1903.

Name

Mary Elizabeth Denson

Age

60.

Blood

1/8

Post Office,

Cyrine & Moss

Father:

John Denson Denson. J

Mother:

Elizabeth Denson D.

Claims through

Father

Children:

Stenographer

H. K. Hines

Copy to Legal Sec Bureau

REFUSED

001 5 1907

001 5 1907

NO 1000 1000 1000

001 5 1907

001 5 1907

001 5 1907

001 5 1907

NO 1000 1000 1000

001 5 1907

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR - 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. G. R. 7275-7276-7273

Choctaw MCR 7275

Lillian Hollandsworth

MCR 7275

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7275

In the matter of the application of Lillian Hollandsworth for the identification of herself and her four minor children, Ina Maud, Covey Bethel, Sam Jones and Mary Lillian Hollandsworth, as Mississippis Choctaws.

F.M. Bailey, attorney for applicant.

Lillian Hollandsworth being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lillian Hollandsworth.
Q How old are you? A Forty.
Q What is your post office address? A Corinth, Mississippi.
Q How long have you lived in Corinth? A About 20 years.
Q Where did you live prior to that? A I lived in Jacinto, Miss.
Q Were you born in Mississippi? A Yes sir.
Q What is your father's name? A W.M. Porter.
Q What is your mother's name? A Mary Elizabeth Burley. That's her name now.
Q Her name was Per ter at that time? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much do you claim? A A sixteenth.
Q Were your father and mother married under a license by a minister? A I suppose so.
Q Have you any evidence of that marriage with you? A No sir.
Q Which one of her parents did your mother claim her Choctaw blood from? A Through her father.
Q What was his name? A John Dawson Walker.
Q Do you know from whom John Dawson Walker inherited his Choctaw blood? A Through my great grandmother.
Q What was her name? A Frances Chambliss.
Q How much Choctaw blood did she have? A Half.
Q When did Frances Chambliss marry-- if that's her maiden name? A She married John Walker.
Q Did she have a Choctaw Indian name? A I don't know.
Q Have you any other brothers or sisters? A No sir, none at all.
Q Are you married? A Yes sir.
Q What is your husband's name? A Robert B. Hollandsworth.
Q Is he a white man? A Yes sir.
Q You claim to claim for him? A Yes sir.
Q How many children have you with you?

Q Give me their names beginning with the eldest under 21 and unmarried? A Ina Maug, 15.
 Q Next one? A Cevy Bethel, that's a boy, 13..
 Q Next? A Sam Jones; he's ten. Mary Lillian, four.
 Q Then this application is for yourself and four minor children?
 A Yes sir.
 Q Is your name or the name of your minor children upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for yourself or your minor children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
 Q Is this the first application of any description you have ever made? A Yes sir.
 Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A Yes sir; you may read it.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as Mississippi Choctaws for yourself and children? A Yes sir.
 Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A My great grandmother.
 Q What was her name? A Frances Chambliss.
 Q Was your great grandmother, Frances Chambliss living in Mississippi when this treaty was made? A I don't know.
 Q Or Alabama? A I rather think she was in Alabama.
 Q Do you know that to be the case? A I don't know; but I rather think she was in Alabama.
 Q Do you know that she resided in Alabama? A Well, I have heard she did.
 Q That is family tradition that she did? A Yes sir.
 Q When did your great grandmother die? A I don't know sir.
 Q How much Choctaw blood had she? A Half blood.
 Q Did she ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830-- that is the treaty I just read to you a moment ago. A I don't know.

- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in the States of Mississippi and Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation at the time of the removal of the greater portion of the Choctaw Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi or Alabama and take land and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the Government of the United States under article fourteen of the treaty of 1830? A I don't know, sir.
- Q Did you ever hear that John Walker ever received any land from the Government? A Yes I think I have.
- Q Who told you that? A I heard it through my relatives.
- Q When? A Well, since this come up.
- Q How long has that been? A A few weeks ago.
- Q Did you first discover at that time that you had Choctaw blood? A Yes sir.
- Q You never knew you had it prior to that time? A No sir.
- Q Can you give me the name of your great grandfather? A His name was John Walker.
- Q Did he have any Indian blood? A Not that I know of.
- Q He was a white man? A Yes sir.
- Q What was the name of your grandfather? A John Dawson Walker.
- Q Do you know where your great grandfather resided in 1830? A No sir.
- Q Do you know whether it was John or James Walker? A I have always heard it was John. Q You don't know about that? A No sir, I have heard always that my grandfather and great grandfather was named John.
- Q When did you first learn that your great grandfather was John Walker? A My mother always told me that ever since I can remember.
- Q When did you first learn that your great grandmother was named Frances Chambliss Walker? A I have heard my mother call her name.
- Q How long ago? A Well, it was--I have heard her called Frances.
- Q How long ago was that since you heard the name? A Just little.
- Q Then you never knew the name of your great grandmother? A I have known her first name all the while but the name Chambliss her maiden name only a little.
- Q Did you ever see her? A No sir.
- Q She died before you were born? A I guess so.
- Q It has not been a matter of tradition in your family nor have you gotten it from family history that you or your people were possessed of Choctaw blood? A No sir.
- Q And not until a few weeks ago did you make a discovery of that fact? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who

really did remain in Mississippi and comply with the provisions of article fourteen of the treaty and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen was sold by the Government at Public Land Sale and the Choctaws deprived of their land; this caused many complaints from the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard Choctaw claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been held by the Government he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Do you know if any of your ancestors ever received any such scrip from the Government of the United States? A No sir.

Q So far as you knew were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir, not that I know of.

Q So far as you know did any of them receive any benefits as such? A No sir.

Q Have you any written evidence to introduce? A No sir.

Q Do you desire to offer evidence at a later date? A Yes sir.

Thirty days is allowed for this purpose.

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

Q Did you know your grandfather? A No sir.

Q Don't know how he looked? A No sir.

By attorney for applicant:

Q Do you know Alberta W. Gaines? A No sir.

Q Do you know what relation you are to her? A Cousin of mine.

Q What relation was Galsby Walker to you? A Uncle of mine.

Q Where did he live? A Sunflower, Mississippi.

Q Where do you live now? A In Corinth, Mississippi.

Q Since you were quite small you and your mother have lived quite separate and apart from the other members of the family? A Yes sir.

Q When you say it is not a matter of family history and tradition in your family you mean as far as your knowledge goes, it might have been among other members of the family? A Yes, that's it.

7275----5

Q It has always been your understanding that your great grandfather lived originally in Alabama? A Yes sir.

Q Did you ever hear what County they lived in? A No sir, I don't know.

Q Did you ever hear that your great grandfather, Walker, lived in Sumter County, Alabama? A It seems to me I did.

Q Do you know the location of Sumter County Alabama to Mississippi? A No sir.

Q Was it ever come to your knowledge through members of your family or otherwise that your great grandfather, John Walker, did take on behalf of his wife and 7 children lands in Sumter County Alabama under article fourteen of the treaty of 1830? A It seems to me I have.

Q Did you ever see any documents from the Government indicating that such lands were patented to that John Walker? A No sir.

Q Or did you ever hear that such documents were in the possession of the family? A No sir.

Q That's all.

By the Commission:

Q Did you know Goolsby Walker? A No sir.

Q How do you know he resided in Sunflower County Mississippi?

A 'Cause my mother has told me that.

Q When? A All the while; and she has been with him a good many times about her being at our old home place.

Q When did you first hear that John Walker took land for his wife and children in Alabama? A I have heard that they lived there.

Q But you don't know whether-- you didn't hear that they took land there? A No sir.

This applicant has the appearance of being descended from white ancestry; brown hair, the physical features of the Caucasian; dark gray eyes, fair complexion; has no knowledge of the compliance or attempted compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause March 28, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 11 day of April, 1903.

Charles K. Hains

Notary Public.

M C R 7273
M C R 7274
M C R 7275

Muskogee, Indian Territory, April 25, 1903.

Holding & Bailey,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certain documentary evidence offered in support of the Mississippi Choctaw applications of Mrs. M. E. Burley, Mrs. Mattie Walker and Mrs. R. B. or Lillian Hollandsworth. It is presumed that the Mattie Walker mentioned in your letter is identical with the Mattie Walker Lester whose name appears upon our records. Said documents have been filed in the consolidated Mississippi Choctaw case of Mary Elizabeth Burley, et al., of which the other mentioned applications are a part.

Respectfully,

Chairman.

COPY.

M.C.R. 7275

Muskogee, Indian Territory, October 5, 1903.

Lillian Hollandsworth,
Corinth, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elizabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elizabeth Burley	M.C.R. 7274
Lillian Hollandsworth, et al.	M.C.R. 7275
Kenneth Hollandsworth	M.C.R. 7276
Mattie Walker Lester, et al.	M.C.R. 7275

These applications were made under the provision of the act of Congress of June 29, 1898 (30 Stats., 495), which is as follows:

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

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 Elizabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth,

Lillian Hollandsworth, --2

Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errol Lester, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered:

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

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Registered.

MCR-7275.

Muskogee, Indian Territory, March 16, 1907.

Lillian Hollandsworth,
Corinth, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 5, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary E. Burley et al.

Respectfully,

Commissioner.

6.

No. 7275

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Mch 23 1903*

Name *Lillian Hollander Smith*

Age *40 -* Blood *16.*

Post Office, *Crivich Miss.*

Father: *W. M. Porter*

Mother: *Mary Elizabeth Porter*
or Barclay W. Walker

Claims through

Married

Husband

Robert, B. Hollander Smith.

Children:

- Ina Maud* " *13*
- Cory Beulah* " *13.*
- Sam Jones* " *10*
- Mary Lillian* " *4*

H. J. Kacivus
Stenographer

REFUSED

NOTICE OF DEPARTMENTAL ACTION

APR 12 1907

NOTICE OF DEPARTMENTAL ACTION

APR 12 1907

NOTICE OF DEPARTMENTAL ACTION

APR 12 1907

NOTICE OF DEPARTMENTAL ACTION

APR 12 1907

ACTION APPROVED BY SECRETARY OF INTERIOR. MAP 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAP 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAP 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAP 12 1907

REFER TO M. C. R. 7374

Choctaw MCR 7276

Kenneth Hollandsworth

MCR 7276

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7276

In the matter of the application of Kenneth Hollandsworth for
identification as a Mississippi Chectaw.

Mr. Haley attorney for applicant:

Kenneth Hollandsworth being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Kenneth Hollandsworth.
Q How old are you? A Twenty one.
Q What is your post office address? A Gerinth, Mississippi.
Q How long have you lived in Gerinth? A About 12 or 13 years.
Q Where were you born? A Alcorn County, Mississippi. That's
in the same County as Gerinth.
Q You have always lived in Mississippi? A Yes sir.
Q Is your father living? A Yes sir.
Q What is your father's name? A Robert B. Hollandsworth.
Q What is your mother's name? A Lillian Hollandsworth.
Q Through which parent do you claim Chectaw blood? My mother.
Q Is your mother living? A Yes sir.
Q Is your father a white man? A Yes I suppose so.
Q What was your mother's mother's name? A Mary Elisabeth Burley.
Q She was your grandmother? A Yes sir.
Q How much Chectaw blood has she? A She claims one eighth.
Q How much do you claim? A A thirty second.
Q Have you any brothers and sisters? A Yes I have four.
Q All younger than yourself? A Yes sir.
Q And applied for by your mother? A Yes sir.
Q Are you married? A No sir.
Q You make this application for yourself alone? A Yes sir.
Q Is your name found on any of the tribal rolls of the Chectaw
Nation in Indian Territory? A Not as I know of.
Q Did you ever make application to the Chectaw tribal authorities
in Indian Territory to be enrolled? A No sir.
Q Then you know your name is not on the tribal rolls of the
Chectaw Nation? A No sir.
Q Did you or anyone for you in 1896 make application to this Com-
mission for citizenship in the Chectaw Nation under the act of
Congress of June 10, 1897? A No sir.
Q Is this the first application of any description that has ever
been made by you or in your behalf? A Yes sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Chectaw lands 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; I have read it over.

It reads as follows: "Raho 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 Is that the provision of law under which you now make application to be identified as a Mississippi Chectaw? A Yes sir.
- Q What was the name of your Chectaw ancestor who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A John Walker.
- Q Your Chectaw ancestor, I said-- A Elizabeth Chambliss.
- Q What relation was she to you? A My great great grandmother.
- Q When did she marry? A John Walker.
- Q Was your great great grandmother living in Mississippi when this treaty was made? A I don't know sir, I can't tell you.
- Q Do you know when she died? A No sir, I don't.
- Q How much Chectaw blood did Elizabeth Chambliss have? A They claim she was half breed.
- Q Did any of your Chectaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? The one I have just read to you, if you knew? A No sir, I don't know.
- Q Were any of your Chectaw ancestors recognized members of the Chectaw tribe of Indians at that time? A John Walker was.
- Q He was a white man, wasn't he? A Yes sir.
- Q Was he a recognized Indian? A No sir.
- Q You don't know a thing about your Chectaw ancestors being recognized Indians? A No sir.
- Q Did any of your Chectaw ancestors own improvements at that time upon what constituted the old Chectaw Nation in Mississippi or Alabama? A They owned land in Alabama.
- Q In 1830? A From what I knew of it they occupied lands in Alabama under that treaty.
- Q I am speaking about the time of the treaty. A I don't know.
- Q Did any of your Chectaw ancestors remove from the old Chectaw Nation in Mississippi to the present Chectaw Nation Indian Territory at the time of the removal of the greater portion of the Chectaw tribe between 1833 to 1838? A Not as I know of.
- Q Did any of your Chectaw ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi or Alabama, and take land there and become citizens of the States? A Not as I know of.

- Q Did any of your Chectaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of 1830? A No sir, I don't know; I think it was in Alabama.
- Q Is that family tradition? A Yes sir.
- Q Who received land in Alabama as a Chectaw Indian? A John Walker
- Q He was a white man? A But he received land through his wife.
- Q What was her name? A Elizabeth Chambliss Walker.
- Q Then you claim that from family history John Walker came and applied for his Indian wife and received land under article fourteen of the treaty? A Yes sir that's the way I understand.
- Q Did he have any children at that time? A He had seven.
- Q Do you know their ages? A No sir.
- Q Knew their names? A Yes sir; I think I can name them; there was four boys, Geolsby, William, John and James; then there was Nancy, Pelly and Mary I believe.
- Q How long have you known the names of these? A Well, I have been hearing through my grandmother for off and on some time--several years.
- Q How long ago did you first hear that list of names? A Well, I can't tell you; it has been several years ago; I have heard my grandmother.
- Q How long has it been since you heard you had Indian blood in you? A It has been a couple of months.
- Q And at the time you heard you had Indian blood you also heard that John Walker complied with article fourteen? A That's all; only heard so then.
- Q But you do know the names of the children of John Walker and Elizabeth Chambliss? A Yes sir.
- Q What kin are these people to you? A Well, their father was my great great grandfather.
- Q They would be your great uncles? A Yes sir.
- Q Except the one who would be your direct ancestor? A Yes sir.
- Q Did you ever see any of them? A No sir.
- Q Did you ever see any of their descendants except these you have seen since you came here? A No sir.
- Q Where did you first get the information that you had Chectaw blood? A From my aunt Mrs. Lester a couple of months ago.
- Q No longer than that? A No sir.
- Q Do you live with your mother? A Yes sir.
- Q Did they tell your mother also? A She is the one that found it out.
- Q Are you sure it has been two months ago? A I am not sure; somewhere in the neighborhood of 2 months.
- Q When did you find out that John Walker who married Frances Chambliss was your ancestor--at the same time? A Well, I have heard that through my grandmother for a while before that.
- Q How long before that? A I can't tell you.
- Q Cannot you give an idea how long you have known that your great great grandfather was named John Walker? A Ever since I was old enough to remember I have heard my grandmother.
- Q Do you know how old your grandmother is? A Fifty three I think
- Q That is Mrs. Burley? A Yes sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of these Chectaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Chectaws who really did signify their intention to him to remain in Mississippi, take land there and become citizens of the States and on

this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen of the treaty was sold by the Government at Public Land Sale and the Chectaws deprived of their land. This caused so many complaints that finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard claims of Chectaws under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before the Commission of 1837 or 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case a Chectaw had complied with all the provisions of article fourteen of the treaty of 1830 that he had also been deprived of his land that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government of the United States? A I don't know whether they did or not.

Q So far as you knew were any of your ancestors recognized members of the Chectaw tribe of Indians? A They was in that way; by their land.

Q How do you know about that? A That's the only way I knew from information.

Q So far as you knew did any of them ever receive any benefits as Chectaw Indians? A Only from hear-say.

Q These benefits are these you have mentioned heretofore? A Yes sir.

Q Have you any evidence you want to submit? A No sir.

Q Do you desire to offer any further evidence in the future? A Yes sir.

Thirty days time is allowed for that purpose.

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

Q Does your mother? A No sir.

Q Your grandmother? A No sir.

Q Do you know of any relatives who have ever talked Chectaw?

A None of them except my great great grandmother and that's only from hearsay.

Examination by Mr. Bailey:

Q Did you ever see your grandfather or greatgrandmother?

A No sir.

Q What relation are you to Alberta W. Gaines? A Third cousin.

- Q Do you know who her father was? A Goelsby Walker.
- Q Where did he live? A Somewhere in Mississippi.
- Q You don't know the exact place? A No sir.
- Q What was your great grandfather's name? A John Walker.
- Q Do you know what his father's name was? A It was the same.
- Q You knew these things by family history and tradition-- that the name of your great grandfather? A Yes sir.
- Q You also knew that your ancestor moved from Alabama to Mississippi don't u, from family history? A Yes sir.
- Q It is also the information you have now as to your ancestors taking land in Mississippi or Alabama-- as a matter of family history or tradition? A Yes sir.
- Q And that they came to that by reason of the marriage of John Walker with a Indian woman? A Yes sir.
- Q Did you ever see that your family possessed records showing that John Walker or his wife and seven children took and held land in the State of Alabama under 1830? A No sir, only what I have heard.
- Q You have heard that they had such rights? A Yes sir.
- Q You never saw any such rights or patents? A No sir.
- Q You have never been associated to any extent with any other members of your family? A No sir.
- Q The information that you are possessed of Choctaw blood came to you through the members of your family? A Yes sir.
- Q Since that time you have made research to establish that fact? A Yes sir.
- Q Do you know anything about the Woodalls who lived in Sumner County, Alabama? A No sir.
- Q It is a matter of family record and history that your ancestor lived in Sumner County? A Yes sir.

By the Commission:

- Q What kind of records? A From what I have heard.
- Q Just a few months ago? A Yes sir.
- Q All of what you have answered to Mr. Hailey has been learned in the last few months? A Yes, all of it.
- Q When did you see Alberta W. Gaines first? A Two weeks ago.
- Q Your information came from there? A Yes sir, right smart of it.
- Q What was the nature of your research to find out? A It was through the counties; and he tried to get hold of marriage license.
- Q That's all, is it? A Well, I have been tracing up from our family history.
- Q You are not entirely settled in your mind about your family history? A No sir.
- Q Who was doing this? A Myself and father.
- Q Where did you go? A Well, we have written to these border Counties.
- Q In Alabama? A Yes, and Mississippi.
- Q What information did you discover? A Well, I can't find out much; most we found out from Mrs. Gaines and Lester themselves; these we wrote to, we found that the records were burned.
- Q Did you find the records were burned in Sumpter County, Alabama? A Yes, they were burnt.
- Q Did you find out there were burnt out in Green County, Alabama? A No sir.
- Q What other Counties did you write to besides Sumter County, Alabama? A We have heard from Green County, Holmes County, Mississippi; the records were not burnt there.

- Q Did they show anything favorable to you in this matter? A Well, the ones we gave written to didn't know anything about the parties.
- Q Knew where your great great grandmother was buried? A No sir.
- Q Knew where she died? A No sir.
- Q Or when? A No sir.
- Q Know what he did with those lands he got from the Government? A No sir.
- Q Knew where they were located? A Only from hear-say I knew they were from Alabama.
- Q What part? A I don't know.
- Q Didn't you mention that they were in Sumter county, Alabama? A Yes sir; I did.

Reference is made to the case of Alberta W. Gaines M.C.R.
5639.

Applicant has the appearance of being descended from white parent age; has light brown ~~eyes~~ hair, blue eyes, features of the Caucasian or Angle Saxon; has no facial characteristics of an Indian. Has no knowledge of the compliance or attempted compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830 excepting such as has been recently imparted to him and by applicants in this case and other information which has been secured from very recent inquiry through United States mails.

-- --

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that this is a full, true and correct transcript of his stenograph notes in same.

Henry G. Hains

Subscribed and sworn to before this 11 day of April, 1903.

Charles H. Sawyer
Notary Public.

COPY:

M.C.R. 7276

Muskogee, Indian Territory, October 5, 1903.

Kenneth Hollandsworth,
Corinth, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Elizabeth Burley, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Elizabeth Burley,	M.C.R. 7274
Lillian Hollandsworth, et al.	M.C.R. 7275
Kenneth Hollandsworth	M.C.R. 7276
Mattie Walker Lester, et al.	M.C.R. 7273

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 Mary Elizabeth Burley, Lillian Hollandsworth, Ina Maud Hollandsworth,

Kenneth Hollandsworth, --2

Covey Bethel Hollandsworth, Sam Jones Hollandsworth, Mary Lillian Hollandsworth, Kenneth Hollandsworth, Mattie Walker Lester and George Errol Lester, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

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

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

MCR-7276.

Muskogee, Indian Territory, March 16, 1907.

Kenneth Hollandsworth,
Corinth, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 5, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Mary N. Burley et al.

Respectfully,

Commissioner.

7

No. 7276

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Feb 23.*

Name *Kenneth Hollandsmith*

Age *21* Blood *B*

Post Office, *Christiana Miss*

Father, *Robert B Hollandsmith E. 4.*

Mother *Lillian* " *d c*

Claims through

Mother -

Children:

*Claims for only
one*

H. J. Haines
Stenographer

entirely at old and new

REFUSED

D O C U M E N T

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAR 13 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS

REFUSED

14

Choctaw MCR 7277

Louise Wildey

MCR 7277

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7277

In the matter of the application of Louise Wiedey for the identification of herself and her minor child, Victor F. Wiedey, as Mississippi Choctaws.

Applicant represented by Thomas and Harrison; no appearance by attorneys for applicant:

Louise Wiedey being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Louise Wiedey.
Q How old are you? A Twenty eight.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your post office address? A Okarche, Oklahoma.
Q How long have you lived there? A Eight years.
Q Where did you reside before moving to Oklahoma? A Abilene, Kansas.
Q How long did you reside in Abilene? A About eighteen years.
Q Where were you born? A Mt. Vernon, Indiana.
Q The only places you have lived in since your birth are Indiana, Abilene, Kansas and Oklahoma? A Yes sir.
Q What is your father's name? A George Baxter.
Q What is your mother's name? A Mrs. A.B. Grafty.
Q Is your mother living? A Yes sir.
Q Is your father living? A Yes sir.
Q Your mother was divorced? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My great grandfather.
Q Which parent? A My mother.
Q Was your father a white man? A Yes sir.

reference is made to the case of John Harper, M.C.R. 8079

- Q Have you any evidence of the marriage of your father and mother?
A I haven't.
Q How much Choctaw blood has your mother? A One fourth.
Q What was your mother's father's name? A Stephen Harper.
Q How much Choctaw blood did he have? A That would be a half.
Q What was the name of Stephen Harper's father? A Charles Harper.
Q How much Choctaw blood did he have? A He was full blood.

L. Wiedey----2

- Q Did he have a Choctaw name? A I don't know.
- Q Did your grandfather, Reuben Harper, have a Choctaw name? A I don't know.
- Q Have you any brothers and sisters older than yourself? A Yes sir.
- Q Have they made application here for identification? A One; Mrs. Mattie McCarriek.
- Q State the names and residences of those who have not applied? A Seth Barter, Industry, Kansas; Dora Barter, Dallas Texas. Mama Munson, Atchison, Kansas. That's all.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Fred Wiedey.
- Q Do you make any claim for him? A No sir.
- Q He makes no claim to Choctaw blood? A No sir.
- Q Have you any minor children for whom you wish to make application? A One.
- Q What is its name and age? A Victor F. Wiedey, one year.
- Q Then this application is for yourself and one minor child? A Yes sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't know.
- Q Is this the first application that has ever been made by you or in your behalf? A It is by me; of course the others registered before.
- Q But they didn't apply for you? A No sir.
- Q This is the first, then, for you? A Yes sir.
- Q Do you appear before the Commission now for the purpose of claiming rights as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and a quarter section 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 Is that the provision of law under which you make application for identification as a Mississippi Choctaw? A Yes sir.

J. Wiedey----3

Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and was the head of a family at that time? A I don't know; I guess it was my great grandfather; I can't say.

Q Do you know that your great grandfa ther, Charles Harper, ever resided in Mississippi? A Only from what my relatives have said.

Q Then you may answer in accordance with tradition; do you know whether he was residing there in 1830 when this treaty was made?

A No sir, I don't know.

Q Where did he die? A I don't know.

Q Do you know when your grandfather, Reuben Harper, was born?

A No sir.

Q Do you know when he died? A No sir.

Q Know where he died? A Mt. Vernon, Indiana.

Q Do you know where he was born? A No sir.

Q Do you know whether he was born in Mississippi or not? A I don't know.

Q Do you know how old he was when he died? A In eighty I think I can't say positively.

Q Do you know how long he has been dead---about? A He must have, probably thirty five years or more.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know that.

Q Do you know whether your great grandfather, Charles Harper, was recognized as a Choctaw Indian? A He was.

Q Do you know that he was by the tribe there? A Yes sir.

Q Do you know whether your grandfather, Reubene Harper, was recognized as a Choctaw Indian by the Choctaw tribe in Mississippi in 1830? A No, I don't know.

Q You don't know whether he ever resided in Mississippi or not?

A No sir.

Q You say he died over eighty years ago? A I don't know.

Q He would be over 110 years old if living now? A He died before I was born.

Q Did any of your Choctaw ancestors, Charles Harper or Reuben Harper, own any improvements in Mississippi or Alabama in 1830?

A Yes sir.

Q Which one? A I can't answer that; I wouldn't be positive; I wont answer to that.

Q Do you know whether any of your Choctaw ancestors removed from the old Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the tribe between 1833 and 1838? A They didn't.

Q Did any of your Choctaw ancestors, either Charles Harper or Reuben Harper, or any ancestor less remote within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the State? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive land in Mississippi from the Government of the United States under Article fourteen of the treaty of 1830? A They applied but never did receive.

J. Wiedey----4

- Q How did you learn that they applied and didn't receive--?
A Through my relatives.
Q Which relatives? A Mother.
Q How long since? A It hasn't been very long.
Q Approximate the time. A Two months.
Q Where did she get the information? A From relatives.
Q John Harper? A I can't say; I can't say the given name.
Q Did she receive it from the medium of the United States Mail in the form of a letter? A Yes sir.
Q Did you have any knowledge prior to two months ago that you were possessed of Choctaw blood? A No sir.
Q Did you have any knowledge prior to two months ago that any of your ancestors complied or attempted to comply with the treaty of 1830? A No sir, I don't know that.
Q Did you ever have any knowledge prior to two months ago that any of your ancestors ever resided in the State of Mississippi?
A Yes sir.
Q When did you get that information? A I can't tell but I have heard them speak of it.
Q How much longer ago was it? A I can't say.
Q Have you heard that as a matter of family tradition all your life? A You might say I have; I have heard a few times in all; two or three times speaking relatives at different places.
Q Do you know how old is your mother? A Sixty three.
Q Reuben Harper is your grandfather? A Yes sir.
Q Do you know whether your mother has brothers and sisters older than she? A Yes sir.
Q How many? A I don't know; she has one older brother I know.
Q Do you know if she has any sisters older than she? A No sir, she has younger sisters that I know of.
Q But you don't know of any but one brother older than she? A Yes sir.
Q Did you ever see your grandfather, Reuben Harper? A No sir.
Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States in Mississippi under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of that treaty and on this account in many instances the land upon which Indians lived and which they desired reserved for them under that article of the treaty was sold by the Government at Public Land Sale and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard claims of Choctaws under article fourteen of the treaty of 1830.

J. Wiedey----5

Q Do you know whether any of your ancestors, either Charles Harper or Reuben Harper or any ancestor, less remote, appeared before either the Commission appointed in 1837 or that appointed in 1842 and attempted to establish rights under article fourteen of the treaty? A I can't say whether it was under that or not but they were refused their lands--refused registration.

Q Where did you learn that? A From my relatives.

Q Your mother? A Yes sir and others.

Q How long ago? A Just recently.

Q It came to your mother through the mails, didn't it? A Yes sir and my mother knows less about this than the other children.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been taken and sold by the Government he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Do you know if Charles Harper or Reuben Harper or any ancestor of yours less remote has ever received any scrip from the United States Government? A I don't know sir.

Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No sir, I don't know.

Q So far as you know did any of them receive any benefits as Choctaw Indians? A So far as I know they didn't.

Q Have you any witnesses you wish to introduce except these associate applicants? A No sir.

Q Have you any written evidence, depositions, affidavits or anything of that kind? A No sir.

Q Do you desire to offer evidence later on? A Well, we will have more evidence later on.

Thirty days time will be allowed for this purpose; this time will not be extended.

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

Q Did you ever know a relative of yours that could speak or understand the Choctaw language? A I don't know that, they were I suppose but I don't know.

Q Is it not a fact that your grandfather, Reuben Harper, always resided and was born in Indiana? A I don't know where he was born; he died there.

Q You never heard of him anywhere else except in Indiana did you? A No sir.

Q You don't know anything about his age? A Only as I gave it; that's as near as I know.

This applicant has the appearance of being descended from white parentage; hair, light brown; light brown eyes hazel; complexion fair; has features characteristic of the Anglo Saxon race; has no

J. Wisbey----6

knowledge of the compliance or attempted compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830, except within the last two months has received information from relatives who are also applicants before the Commission of an attempt upon the part of Charles Harper, her great grand-father, to comply with the provisions of said article.

Henry G. Hains being sworn on his oath states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings above on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 11th day of April, 1903.

Charles W. Sawyer

Notary Public.

M C R
6740 - 7277
6255 - 7024

Muskogee, Indian Territory, April 16, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing certified copy of marriage certificate between Perry Cheatham, Jr. and Addaline Whitman, offered in support of the application made by Perry Cheatham, Jr. for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of application for marriage license and marriage license and certificate between Fred Weidoy, Jr. and Louise Barter, offered in support of the application made by Louise Weidoy for the identification of herself and minor child as Mississippi Choctaws.

Also the affidavits of Belly Chance and Isham W. Doolen, relative to the marriage of John H. Bennight and Susan I. Doolen, offered in support of the application made by John H. Bennight for the identification of himself and minor children as Mississippi Choctaws.

Also marriage license and certificate between Arthur C. Harper and Addie Lee Brown, offered in support of the application

T & H 2

made by Arthur C. Harper for identification as a Mississippi Choctaw.

Said documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission has this day notified Louise Wiedey that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor child as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein, and no further evidence will be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7277

Muskogee, Indian Territory, November 6, 1903.

Louise Wiedey,

Okarche, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor child 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Louise Wiedey,

Okarche, Oklahoma.

Dear Madam:

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 child Victor Frederick Wiedey, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered.

Commissioner in Charge.

M O B 7277

Muskegee, Indian Territory, June 26, 1905.

Louise Wiedey,
Okarohe, Oklahoma.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

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No. 7277

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *March 23. 1903.*

Name *Louise Wiedey-*

Age *28* Blood *1/8 -*

Post Office. *Okarche Ok.*

Father: *George Baster W.L*

Mother: *A B Crary C. L*
formerly Baster.

Claims through

Mother

Husband

Fred Wiedey -

Children:

Victor Frederick Wiedey

H. J. ...

House Kiedley, et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

Choctaw MCR 7278

Susan Crary

MCR 7278

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7278

In the matter of the application of Susan Crary for the identification of herself and her minor child, Arthur Crary, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant; no appearance.

Susan Crary being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Susan Crary.
Q How old are you? A Sixty three.
Q What is your post office address? A Okarche, Oklahoma.
Q How much blood do you claim? A One fourth; my father was a half breed.
Q What was your father's name? A Reuben Harper.
Q What is your mother's name? A Maria
Q Through which parent do you claim Choctaw blood? A From my father.
Q How much Choctaw blood did your father have? A Half breed.
Q Is he living? A No sir.
Q Is your mother living? A No sir.
Q Have you any evidence of the marriage of your father and mother?
A No sir, I can get it.

Thirty days time will be allowed this applicant to produce evidence of the marriage of her father and mother.

- Q Do you know where they were married? A In Illinois.
Q By a minister under a license? A I don't know sir.
Q Did your father, Reuben Harper, have a Choctaw name? A Harper was all; they say that's a Choctaw name and only its a little different from the way we pronounce it.
Q What was Reuben Harper's father's name? A Charlex.
Q How much Choctaw blood did he have? A He was full blood according to the way I have been informed.
Q Did he have a Choctaw name? A Nothing only Harper.
Q Have you any other brothers or sisters? A I have one older brother.
Q Living? A Yes sir, he applied for land.
Q How old are your other ones dead? A No sir.
Q How much older than you is he? A No more.

- Q Are you married? A Yes sir, been married; my husband's dead.
- Q You are now a widow? A Yes sir.
- Q What was your husband's name? A I have married two times; the father of this child is George-- of this older children is George; and the father of my minor child is Arthur Crary.
- Q Did either of your husbands, George or Arthur, have Choctaw blood? A Neither one.
- Q Both are dead? A Yes sir.
- Q Both white men? A Yes sir.
- Q Have you any minor children for whom you wish to apply? A Yes, one.
- Q What is his name? A Arthur B. Crary; he is eighteen.
- Q Then this application is for yourself and one? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did 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 anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not that I know of.
- Q Is this the first application that has ever been made by you or in your behalf or in behalf of your minor child? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of making application for identification as a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article? A Well, I have heard it read several times since I am here.

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 Is that the provision of law under which you make application for yourself and minor child for identification as Mississippi Choctaws? A Yes sir.
- Q What was the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and the head of a family at that time? A Charles Harper was a full blood Choctaw he was the son of John Harper.
- Q Do you know the name of John Harper's wife? A Mrs. Cheatham.
- Q Know her first name? A No sir.
- Q Was she a full blood Choctaw? A According to my knowledge.

- Q Do you know the name of Charles Harper's wife? A No sir.
- Q You claim through Charles Harper, do you? A Yes sir; that was handed down to me.
- Q Was your grandfather, Charles Harper, living in Mississippi when this treaty was made? A I am not sure of that; so far as I know; that's the way I have been informed.
- Q Your father's name was Reuben Harper? A Yes sir.
- Q Where was he born? A In Kentucky I believe; he would be about eighty years old now.
- Q Then his father, Charles Harper, was a resident of Kentucky in 1823, was he not? A Well, I don't know much about that part of the history.
- Q If he was born in Kentucky-- A I know some of his brothers were born in Kentucky; from that I take it my father was born there.
- Q Your father you say would be eighty years old at this time? A Well, I am sixty three and I am the second child.
- Q Then your father at the time of your birth would have been only 17 years old. A Well, you see, I don't know anything about that; I thought he would be about that age; he would have been older than that.
- Q How long has he been dead? A I can't tell you that; he wasn't at home when he died.
- Q Did he die before the Civil War? A Yes sir.
- Q Did he die before the Mexican War? A He died before I was grown or just about the time I was grown.
- Q And you cannot remember the year or about it? A No, because I don't know when he died; he was away from home; he died in St. Louis in the hospital.
- Q Don't you remember about the year? A No sir, I wasn't with him.
- Q Where were you? A I was taking care of myself at the time.
- Q You were out in the world taking care of yourself? A Yes sir. Making my own living.
- Q At what age were you when you first started to making your own living? A About 16 years old.
- Q How long did you make your own living when you were married? A I was married in eighteen.
- Q Then he must have died when you were 17 or 18 years old? A Must have; I don't know positively.
- Q Well, you know you were not at home; you know then that it occurred at the time you were making your own living; so, consequently he must have died when you were about 18 years old? A I think he must have died before that.
- Q Do you know how old he was when he died? A No sir.
- Q Did he have any brothers or sisters? A Yes sir, he had two sisters and seven brothers.
- Q Were they older or younger? A Some of them older--two sisters older and several brothers; but I can't say. Some of them I never saw.
- Q And they were all the children of Charles Harper? A Yes sir.
- Q Then the ancestor through whom you claim the right to identification as a Mississippi Choctaw are Charles Harper and your father Reuben Harper? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A I believe--
- Q They were in Mississippi? A Yes sir.
- Q Seventy three years ago? A According to what I understand.

- Q Where did you get that information? A I got it from our family history.
- Q What does that consist of? A What they hunted up since this come up.
- Q The applicants in this case? A Yes sir.
- Q Those who claim through the same common ancestor? A Yes sir.
- Q How long have you had this information? A A little over a month
- Q Did you ever know that you were possessed of Choctaw blood prior to one month ago? A Well, I don't didn't know for certain but it has been spoken of in our family.
- Q Did you ever know that you were descended from Charles Harper who resided in Mississippi in 1830 before one month ago? A No sir, I didn't.
- Q Where did you get that information? A I told you just now.
- Q Who imparted it to you? A I got it from my cousin from Bloomington, Illinois.
- Q What is that cousin's name? A John Harper. And I got it from the Cheatham heirs; Thomas of Kentucky.
- Q Did they voluntarily write to you or did you write to them? A It came in a round-about way.
- Q But it came from them? A I don't know.
- Q But you know you didn't ask for it? A No, I didn't ask for it.
- Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi or Alabama? A I understand it.
- Q Where did you understand it from? A From all these people and the Cheathams.
- Q Did the letter you received contain that fact? A No sir.
- Q Where did you get the information from then? A Well, its in that letter that I have.
- Q What does it say, do you remember? A It says they lived there and owned land there and had registered there on the Cheatham side.
- Q In 1830? A Yes sir, I think.
- Q Well, and what about Charles Harper? A I don't remember what it said about him, 'cause I didn't take no notice.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 or Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know that.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did so signify to the agent and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under that

article of the treaty was taken and sold by the Government at its Public Land Sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of that treaty.

Q Now, did any of your Choctaw ancestors appear before either the Commission of 1837 or of 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

Q Do you know whether Charles Harper continued to reside in Mississippi after 1830? A I don't know.

Q Do you know what he did with the land which your relatives say he had there? A I don't; no sir.

Q Do you know where that land was located? A No sir.

Q You just have the bare statement then that Charles Harper owned land in Mississippi? A That's as far as I know.

The act of Congress approved August 23, 1842, provided that in case a it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Louisiana, Alabama or Arkansas, to be taken from vacant Government land and that certificates to that effect should be given him; these certificates were called scrip.

Q Do you know if any of your ancestors received any such scrip from the Government of the United States? A I don't know.

Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did they ever receive any benefits as Choctaw Indians? A Not that I know.

Q Have you any witnesses to introduce? A No sir.

Q Have you any documentary evidence? A No sir.

Q Do you wish time? A Yes sir.

Thirty days time will be allowed you for the introduction of further evidence.

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

Q Did you ever know any of your relations who understood the Choctaw language? A No sir.

This applicant has the appearance of being descended from white parentage; hair straight and black; hazel eyes, facial features of the Angle Saxon; shows no trace or characteristics of Indian blood; has no knowledge of the compliance or attempted compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Henry G. Hains being sworn on his oath states that as stenographer

7278-----6

to the Commission to the five Civilized Tribes he reported the above proceedings on March 25, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Lains

Subscribed and sworn to before me this 15 day of April, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 8, 1903.

Mrs. Susan Crary,
Okarche, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you state that you have the record of your marriage and that of your father, but suppose it will be hard to get the record of the marriage of your grandfather, Charles Harper, a full blood Mississippi Choctaw Indian, and a brother to William Harper. You ask if the Commission has any record of your grandfather's name and what additional evidence is needed in your case. You further ask if the proof you have on hand must be submitted to the Commission in person or by mail.

In reply to your letter you are informed that the records of the government in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and who received land or scrip thereunder, have been carefully examined and the name of Charles Harper is not found thereon.

The Commission cannot render any opinion upon the sufficiency of evidence offered in support of applications for identification as Mississippi Choctaws. However, if you desire to offer

Mrs S C 2

any documentary evidence in support of your claim, the same may be forwarded by mail to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

Respectfully,

Chairman.

M C R 7282
M C R 7278

Muskogee, Indian Territory, April 13, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing certificate of the Clerk of Pope County, Illinois, relative to the marriage of George Barter and Susan C. Harper; certified copy of decree of divorce between George Barter and Susan C. Barter; certificate of marriage record between Reuben Harper and Mariah Low; also certified copy of marriage license and certificate between Arthur B. Crary and Mrs. Susan Barter, offered in support of the application made by Susan Crary for the identification of herself and minor child as Mississippi Choctaws. Said documents have been filed with the record in this case.

Receipt is also acknowledged of certified copy of marriage license and certificate between George Herp and Nettie M. Drolte, offered in support of the application made by Nettie M. Herp for the identification of herself and minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7278

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission has this day notified Susan Crary that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor child as Mississippi Choctaws, and that at the expiration of said time this Commission will proceed to render its decision therein, and no further evidence will be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7278

Muskogee, Indian Territory, November 6, 1903.

Susan Crary,

Okarche, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor child 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 4, 1904.

Mrs. Susan Crary,
Okarche, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th instant, asking what has been done with the Cheatam and Harper case. You further ask when the Choctaw and Chickasaw Nations are going to dissolve their tribal relations.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor child as Mississippi Choctaws, claiming your rights to such identification by reason of being descended from one John Harper, an alleged full blood Mississippi Choctaw Indian, but as yet your case has not been passed upon. When a decision is rendered you will be advised of the Commission's action.

Relative to the dissolving of the tribal relations of the Choctaw and Chickasaw Nations your attention is invited to the following provision of the Act of Congress of June 28, 1898:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from

Mrs. S C 2

the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes."

It would appear from the above that it was the intention to dissolve the tribal relations of the Choctaw and Chickasaw Nations March 4, 1906.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Susan Crary,

Okarche, Oklahoma.

Dear Madam:

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 son Arthur B. Crary, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

M C R 7278

Muskogee, Indian Territory, June 26, 1905.

Susan Crary,
Okarche, Oklahoma.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

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No.

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FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *Nov 25 - 1933*

Name *Wesley Sparks*

Age *63* Blood *1/4*

Post Office, *Marcho Ok*

Father: *Ruben Sparks*

Mother: *Maria*

Claims through

Father

Children:

Arthur R. Sparks - 8

Stenographer

H.S. Hayes

Susan Crary, et al.

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION

MAILED APPLICANT:

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 20 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT...

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Choctaw MCR 7279

Fred Drolte

MCR 7279

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7279

In the matter of the application of Fred Drolte for the identification of himself and his two minor children, Floyd and Velma Drolte, as Mixed asippi Choctaws.

Thomas & Harrison for applicant; no appearance by attorneys.

Fred Drolte being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fred Drolte.
Q How old are you? A Twenty six.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your post office address? A Carville, Oklahoma; Woods County.
Q How long have you resided there? A About four years.
Q Where did you reside before that? A Reno County, Kansas.
Q How long did you reside in Reno County? A About 15 years.
Q Where were you born? A Mitchell County, Kansas.
Q What is your father's name? A Henry W. Drolte.
Q What is your mother's name? A Sarah Drolte.
Q Is your mother living? A Yes sir.
Q Is your father? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q Your father makes no claim to Choctaw blood? A No sir.
Q He is a white man? A Yes sir.
Q Have you evidence of the marriage of your father and mother?
A No sir.
Q Through which parent does your mother claim her Choctaw blood?
A Her father.
Q What was his name? A Reuben Harper.
Q How much Choctaw blood did Reuben Harper have? A I don't know.
Q What was the name of Reuben Harper's father? A I don't know;
my grandmother died when my mother was small.
Q How old was your grandfather, Reuben Harper, at the time of
his death? A I don't know.
Q Do you know where he was born or when? A No sir.
Q Where or when he died? A No sir.
Q Knew when your grandparents were married? A I don't know.
Q You don't know the amount of blood that Reuben Harper had?
A No sir.
Q If you are an eighth, your mother must have been a quarter and
your grandfather must have been a half. Are you prepared to say
that Reuben Harper was a half blood Choctaw? A I don't know,
only from what I have heard of him.

- Q What did they say? A I have heard that my grandfather was a half blood; my mother said so.
- Q Did he have a Choctaw Indian name, Reuben Harper? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Anna.
- Q She a white woman? A Yes sir.
- Q Makes no claim to Choctaw blood? A No sir.
- Q Have you any minor children you wish to make application for? A Yes sir.
- Q What are their names? A Floyd and Velma; Floyd is three and Velma is one.
- Q You make no claim for your wife at all? A No sir.
- Q Then this application is for yourself and two minor 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 Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A I never did.
- Q Did you or anyone for you in 1896 make application to this 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 has ever been made by you or in your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights 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.

Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are making application to be identified as a Mississippi Choctaw--that provision of that treaty was made in 1830 and it applied to those Choctaws who were members of the tribe in Mississippi and who desired to remain in Mississippi, take land there and become citizens of the States--? is that the provision? A Yes sir.
- Q What was the name of your Choctaw ancestor who was living in Mississippi in the year 1830 when this treaty was made and was the head of a family there at that time? A I don't know.

- Q Do you know whether or not your grandfather who you said was Reuben Harper was residing there at that time? A I don't know.
- Q Do you know where he resided in 1830--73 years ago? A I don't know.
- Q You don't know when your grandfather died? A No sir.
- Q Don't know anything about his age? A No sir.
- Q How old is your mother? A I can't say exactly.
- Q About how old is she? A About sixty.
- Q She is too young herself to have been living there then? A Yes sir.
- Q The ancestor then through whom you claim your right to identification as a Mississippi Choctaw is Reuben Harper, is it? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with a provision of article fourteen of the treaty of 1830 that I just read to you? A Not that I know of.
- Q Were any of your Choctaw ancestors, Reuben Harper, or others, recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Commission the names of any Choctaws who really did signify such intention and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under the provisions of article fourteen of that treaty was sold by the Government at its Public Land Sale and the Choctaws deprived of their land. This caused a great deal of complaints and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard the claims of Choctaws under article fourteen, of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before the Commission

appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana, or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government of the United States? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did they ever receive any benefits as Choctaw Indians? A I don't know.

Q Have you any witnesses you wish to introduce? A No sir.

Q Have you any written evidence you want to introduce? A No sir.

Q Do you desire to offer any evidence at a later date? A No sir

It appearing that the attorney for the applicant does not appear, thirty days additional time will be allowed by the Commission for the applicant to introduce other testimony.

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

This applicant has the appearance of being descended from white parentage; brown hair, blue eyes, physical features of the Anglo Saxon; has no knowledge of the compliance or attempted compliance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek on the part of any of his ancestors.

--

Henry G. Hains 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 case on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 15 day of April, 1903.

Charles W. Sawyer

Notary Public.

Muskogee, Indian Territory, April 8, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing certificate of marriage between Fred J. Drolte and Annie Hut offered in support of the application made by Fred Drolte for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M C R 7279

Muskogee, Indian Territory, November 6, 1903.

Fred Drolte,

Carlisle, Oklahoma.

*Remailed Carlisle Okla
Nov. 11. 1903.*

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 your application for the identification of yourself and minor children 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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Fred Drolte that he will be allowed thirty days from this date in which to submit further evidence in support of his application 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,

Commissioner in Charge.

M C R 7279

Muskogee, Indian Territory, March 19, 1904.

Fred Drolte,

Carwile, Oklahoma.

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 of yourself and children, Floyd and Velma Drolte as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record 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.

M C R 7279

Muskogee, Indian Territory, June 26, 1905.

Fred Drelts,
Carwile, 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 19th day of March, 1904.

Respectfully,

Chairman.

10

No. 7279

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date: *Mar. 23. 1903.*

Name: *Fred Drotte,*

Age *26* Blood *1/8*

Post Office: *Parowick OK*

Father: *Henry W. Drotte L W*

Mother: *Mary " L C*

Claims through

Mother

Wife Anna D. T.

Children:

Floyd Drotte, 3

Velma Drotte, 1

Stenographer

Naimo

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

FILED
JUL 11 1904

[Handwritten signature]

[Small handwritten mark]

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



RECEIVED
MAR 24 1904
MUSKOGEE, IND. TER.

11 1904

1145
1-271

Reg no. 3
77117

~~Fred Drelte,~~

~~Cawilo, Oklahoma.~~

Returned to
Winter
w. called for

MISSISSIPPI PROGRAM

Fred Drolle, et al.

DECISION NUMBERED

85

COPY OF DECISION

1904

CHICKALAW NATIONS

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT, MAR 14 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT, MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHICKALAW AND CHICKALAW NATIONS.

JUN 26 1905

Choctaw MCR 7280

Christina H. Knapp

MCR 7280

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7280

In the matter of the application of Christina H. Knapp for the identification of herself and her three minor children, Harry Harper, George Dalbert and Lester Loyd Knapp, as Mississippi Choctaws.

Thomas & Harrison for applicant; no appearance by attorney.

Christina H. Knapp being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Christina H. Knapp.
Q How old are you? A Forty nine.
Q How much Choctaw blood do you claim? A Well, my grandfather was--
Q I am asking you how much you claim? A I don't know I have claimed any.
Q What is your post office address? A St. Louis, Missouri; #1139 Bayard Avenue.
Q How long have you lived in St. Louis? A Twenty one years.
Q Where had you resided before that? A Illinois.
Q How long had you resided in Illinois? A I was born and raised there.
Q Never lived anywhere else except Illinois and St. Louis? A No sir.
Q Never lived in Mississippi? A No sir.
Q What is your father's name? A William Harper.
Q What is your mother's name? A Rebecca.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q Your mother was a white woman, was she? A Yes sir.
Q How much Choctaw blood did your father have? A Well, his father was a full blood Indian.
Q Well, he must have been a half blood, wasn't he? A Yes sir.
Q Have you any evidence of the marriage of your father and mother-- marriage license or copy of license or any evidence? A Well, they have presented them here before; they are on file here.

Reference is made to the case of John Harper and it is announced by applicant that evidence of the marriage of her father and mother is filed in other applications consolidated with that case.

Q Do you know whether they were married under a license by a minister? A Yes sir; the license has been presented here.

Q Where were they married? A In Naples, Illinois.

Q Do you know what year? A No sir; its on file here.

Q Do you know whether your father who was half Indian ever had a Choctaw name? A Well, I don't know.

Q Through which parent did he claim his Choctaw blood? A From his father.

Q What was his father's name? A Charles Harper.

Q How much Choctaw blood did Charles Harper have? A Well, they say he was full blood.

Q Did he have a Choctaw Indian name? A They said so.

Q What was it? A Hiplah or something of that kind.

Q Spell that. A I can't do that; you have got that on file here.

Q Have you any older brothers and sisters than yourself? A Yes sir; I have two older brothers that have been here; I have no older sisters living.

Q How old is your oldest brother? A I can't tell you that unless I look on the record.

Q How much older than you is he? A I can't tell you that.

Q How much older is your second brother than you? A Six years.

Q He is fifty four years of age then? A Yes sir.

Q And the other brother is older than that? A Yes sir.

Q Was your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States—that is William Harper? A I don't know.

Q Are you married? A Yes sir.

Q What is your husband's name? A John S. Knapp.

Q Does he make any claim to Choctaw blood? A No sir.

Q White man? A Yes sir.

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

Q Have you any minor children for whom you wish to make application? A I have three.

Q You may give their names and ages. A Harry Harper Knapp, 20; 20 years old the 21st of this month. And George Dalbert was fourteen last October and Lester Loyd was nine years last June.

Q Then this application is made for yourself and three minor children? A Yes sir.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't think so; no sir it is not.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or did anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Is this the first application of any description that you have ever made or that has been made in your behalf? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of the treaty? A I don't know as I do thoroughly.

Article fourteen of the treaty of 1830 reads as follows:
 "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification

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

- Q Is that the provision of law under which you are now making application for identification as a Mississippi Choctaw for yourself and children? A Yes sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and was head of a family at that time? A Charles Harper.
- Q What relation was Charles Harper to you? A He was my grandfather.
- Q Was your grandfather, Charles Harper, a resident of Mississippi when this treaty was made? A Well, I don't know.
- Q How old would your father be if living now? A I don't know unless I look up the records.
- Q Have you never looked up these records? A Not lately.
- Q Do you know when he was born? A No sir.
- Q Know when he was married? A No sir.
- Q Know when he died? A No sir, I was quite young. I think I was eleven years old.
- Q Then he died about 38 years ago? A That's about right.
- Q How old was he at the time of his death? A He was in sixty years somewhere; I don't know.
- Q Then if he was living now he would be between 90 and 100, wouldn't he? A Yes sir.
- Q Well, do you know whether your father, William Harper, was a resident of Mississippi in 1830---73 years ago? A No sir, I don't.
- Q Then the ancestor through whom you claim your right to identification as a Mississippi Choctaw are Charles Harper and William Harper, your grandfather and father? A Yes sir.
- Q Charles Harper was a full blood and William Harper was half Choctaw Indian? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830- that provision I read to you a moment ago? A Yes sir, it seems they did; I don't know the reason they didn't.
- Q How do you know that they did attempt? A Well, the older children told me.
- Q How long have you known of that? A Not very long; I have known that my father was half blood Indian ever since I can remember.
- Q But you haven't known of an attempted compliance until recently how recently-- two months? A Yes I think about two months.
- Q That came to you through the mail in the form of a letter?
- A Yes sir.

- Q Whom did it come from? X John Harper? A No sir, from Charles Harper, an older brother.
- Q He is an applicant, is he? A Yes sir.
- Q You didn't know until two months ago that you were a descendant of Charles Harper who resided in Mississippi and was a member of the Choctaw tribe of Indians? A No sir, I only knew that my grandfather was an Indian.
- Q Did you know what kind of an Indian he was? A No sir.
- Q When did you first discover that you had Indian blood? A Well, I have heard it ever since I was little; I have heard my father say when I was quite small; I remember it.
- Q Do you know where your father was born? A In Kentucky as I understand.
- Q You don't know when? A No sir; I think the older children know.
- Q Do you know whether he ever resided in Mississippi or not? A No sir, I don't.
- Q Do you know whether Charles Harper ever resided in Mississippi or not? A I don't know it through my own knowledge, I know it through the family record.
- Q What does that record consist of? A From the older children.
- Q Simply tradition? A --
- Q That information of Charles Harper's residence in Mississippi has come to you in the last two months? A Yes sir.
- Q Then you knew nothing prior to that time about any Charles Harper who ever resided in Mississippi or Alabama did you? A No sir.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in 1830 or not? A No sir.
- Q Did any of your Choctaw ancestors own any improvements at that time upon what constituted the old Choctaw Nation in the States of Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation Indian Territory at the time of the removal of the great portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizen of the States? A I don't know sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under article fourteen of the treaty of 1830? A No sir.
- Q What has been told you about this attempted compliance on the part of Charles Harper? A I can't tell you.
- Q You only know that they say he attempted to comply? A Yes sir.
- Q Did you ever see Charles Harper? A No sir.
- Q Did you ever see anybody who had ever seen him? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him such intention and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under the fourteenth article of the treaty of 1830 was taken by the Government and sold at its Public Land Sales; this caused much complaint among the Choctaws and finally the matter was brought to

the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but his lands had been taken from him and sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government of the United States? A No sir.

Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians? A No sir.

Q Did they ever receive any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses? A No sir.

Q Have you any written evidence you wish to submit? A No sir.

Q Do you desire to offer any evidence later? A I don't know; yes sir.

Thirty days time is allowed this applicant to offer proper testimony in support of this application; this time may not be extended.

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

This applicant has the appearance of being descended from white parentage; dark brown hair, brown eyes, fair skin; has the features of the Anglo Saxon race and none of the characteristics of the Indian except probably prominent cheek bones. She has no knowledge of the compliance or attempted compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek other than that which has reached her in the last two months of an attempted compliance on the part of one Charles Harper, such information having been communicated to her by Charles Harper and John Harper, applicants before the Commission

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 23, 1903, and that this is a full, true and cor-

7200-66

rest transcript of his stenographic notes in same.

Henry J. Kaine

Subscribed and sworn to before me this 15 day of April, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 7280.

Muskogee, Indian Territory, April 25, 1903.

Jno. S. Knapp,

1139 Bayard Avenue,

St. Louis, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 21, 1903 in which you state "my wife has filed or registered for a claim."

In reply, you are advised that it appears from our records that on March 25, 1903, Christina H. Knapp, 49 years of age, post-office address, St. Louis, Missouri, applied to this Commission for the identification of herself and her three minor children as Mississippi Choctaws.

The Commission has not up to this time reached any decision relative to the rights of Christina H. Knapp and her three minor children to be identified as Mississippi Choctaws. When such 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,

W.O.R. 6787
• 6788
• 7801
• 7880

Muskogee, Indian Territory, April 28, 1908.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 21st, enclosing marriage certificate of E.A. Large and Eva Cheatham, offered in support of the application of Eveline Large, et al., for identification as Mississippi Choctaws; certificate of marriage of John S. Knapp and Miss Christena Harper, offered in support of the application of Christina H. Knapp, et al., for identification as Mississippi Choctaws; marriage certificate of John L. Connely and Addie Cheatham, offered in support of the application of Addie Connely, et al., for identification as Mississippi Choctaws and the affidavits of Dora Barber and Emma V. Munson relative to the marriage of W.E. McCarrick and his wife, Mattie, offered in support of the application of Mattie McCarrick, et al., for identification as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Thomas & Harrison.

M.C.R. 7280.

Muskogee, Indian Territory, November 6, 1903.

Christina H. Knapp,
#1139 Bayard Avenue,
Saint Louis, Missouri.

Dear Madam:

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,

Commissioner in Charge.

M.C.R. 7280.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Christina H. Knapp that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself 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,

Commissioner in Charge.

M.C.R. 7280

Muskogee, Indian Territory, March 19, 1904.

Christina H. Knapp,
1139 Bayard Ave,
St. Louis, Missouri,

Dear Madam:

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 of yourself and children, Harry Harper Knapp, George Delbert Knapp and Lester Loyd Knapp, is a part, refusing said application.

You are further advised that a copy of said decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7280

Muskegee, Indian Territory, June 26, 1905.

Christina H. Knapp,
1139 Bayard Avenue,
St. Louis, Missouri.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

11
#

No.

7280

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date 3/23/1908.

Name Christina H. Knapp

Age 49 Blood

Post Office, St. Louis Mo.
1134 Bayard an.

Father: William Harper S 1/2

Mother: Rebecca Harper S 1/2

Claims through

Father

Husband

John S. Knapp. ~~W~~

Children:

- Mary Harper Knapp. 20
- George Walbert " 14
- Lester Loyd " 9

H. J. Naim

Stenographer

MISSISSIPPI CHOCOLATE

Christina H. Knapp

DECISION RENDERED. MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.
CHICKASAW NAT. B.

NOTICE OF DECISION MAILED APPLICANT. MAR 11 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.
MAR 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCOLATE
CHICKASAW NAT. B.
JUN 26 1905

Choctaw MCR 17281

Hiram H. Knapp

MCR 7281

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7281

In the matter of the application of Hiram H. Knapp for identification as a Mississippi Choctaw.

Thomas & Harrison for applicants; no appearance.

Hiram H. Knapp, being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Hiram H. Knapp.
Q How old are you? A Twenty five.
Q How much Choctaw blood do you claim ? A One eighth.
Q What is your post office address? A St. Louis, Missouri; #1139 Barret Avenue.
Q How long have you resided there? A Since I was three years old; I have been away the past three years though.
Q Where were you born? A Winchester, Illinois.
Q Moved from Winchester to St. Louis? A Yes sir.
Q What is your father's name? A John S. Knapp.
Q Is he a white man? A Yes sir.
Q Living? A Yes sir.
Q What is your mother's name? A Christina H. Knapp.
Q Is she a white woman? A No sir, she has Choctaw blood; she has a fourth.
Q You claim your Choctaw Indian blood then through your mother? A Yes sir.
Q Through whom does your mother claim her Choctaw blood? A Through my great grandfather.
Q Through which parent? A On her father's side.
Q What was her father's name? A William Harper.
Q How much Choctaw blood did he have? A I think he was full-blood; I am not positive.
Q If your mother is a fourth he couldn't have been full blood; if you don't know, say so. A I don't know how that is.
Q What was William Harper's father's name? A Charles Harper.
Q Was he possessed of Choctaw blood? A Yes sir.
Q How much? A Full blood.
Q Did he have a Choctaw Indian name? A I don't know.
Q Are you married? A No sir.
Q This application is for yourself, is it? A Yes sir.
Q If your name is on some document of the Five Civilized Tribes, or on the Choctaw Nation in the Indian Territory? A Yes sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe?

A No sir.

Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A Not that I know of.

Q Is this the first application of any description that has ever been made by you or in your behalf? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that article of that treaty? A I don't believe I do.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you now make application for identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your ancestor Choctaw who was living in Mississippi in 1830 when this treaty was made and head of a family at that time? A I think Charles Harper.

Q How do you know? A Well, that is what I have heard through my father.

Q Then whatever information you have in relation to the residence of Charles Harper or the fact that he is your ancestor or of his being head of a family in Mississippi at that time comes from your mother? A Yes sir.

Q From anybody else? A No sir.

Q Did you know your grandfather William Harper? A No sir.

Q Was your great grandfather, Charles Harper, living in Mississippi when this treaty was made? A I can't say; I don't know.

Q When did your great grandfather die, Charles Harper? A I don't know.

Q Then the ancestor through whom you claim your right to identification as a Mississippi Choctaw is Charles Harper isn't it?

A Yes sir.

Q He was a full blood Choctaw Indian? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 to 1836? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of those Choctaws who really did signify to him their intention to stay in Mississippi and comply with the provisions of article fourteen of the treaty of 1830. And on this account in many instances the land upon which Indians had lived and had improvements and which they desired reserved for them under article fourteen of the treaty of 1830 was sold by the Government at Public Land Sales. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions to go to Mississippi and hear the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but his lands had been sold by the Government that he should be entitled to select land elsewhere in Mississippi or in 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 scrips.

Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States? A I don't know.

Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did they ever receive any benefits as Choctaw Indians? A I don't know.

Q Have you any written evidence you wish to submit? A I don't know.

Q Do you desire to offer any evidence at a later date? A Not that I know of.

This applicant having provided himself with counsel and said counsel being absent at this hearing, thirty days time will be allowed this applicant to file further evidence.

Q Have you any witnesses here? A I have my folks.

Q Well, they are applicants? A Yes sir, I have no other witnesses.

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

Q When did you first discover you had Choctaw blood? A I have heard my mother speak of it since I was a child.

Q How long since you discovered you were descended from Charles Harper? A Ever since I was old enough to understand.

Q And you also have known all your life that Charles Harper was a resident of Mississippi? A No sir.

Q When did you first discover that Charles Harper ever lived in Mississippi? A Several months ago.

Q Where was your information of his residence prior to that time—two months ago? A That I never got it but after.

Q You knew he was your great grandfather but you didn't know where he lived? A No sir.

Q Did you know your grandfather, William Harper? A No sir.

Q Know where he died or when he was born? A No sir.

Q Don't know where he lived? A No sir.

Q How old he was when he died? A No sir.

This applicant has the appearance of being descended from white parentage; brown hair, light hazel eyes, reddish whiskers, florid complexion; has the physical features of the Anglo Saxon; no characteristics of the Indian are apparent; has no knowledge of the compliance or attempted compliance of his ancestors with the provisions of article fourteenth of the treaty of Dancing Rabbit Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 15 day of April, 1903.

Henry G. Hains
Charles H. Sawyer

Notary Public.

M C R 7281

Muskogee, Indian Territory, November 6, 1903.

Hiram H. Knapp,

1139 Barret Avenue,

St. Louis, Missouri.

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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M C R 7281

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission had this day notified Hiram H. Knapp that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Hiram H. Knapp,
1159 Bayard Ave,
St. Louis, Missouri,

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 your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7281

Muskegee, Indian Territory, June 26, 1905.

Hiram H. Knapp,
1139 Bayard Avenue,
St. Louis, Missouri.

Dear Sir:

You are hereby advised 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 19th day of March, 1904.

Respectfully,

Chairman.

12

No.

7281

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date 3-23-1903.

Name: Kraus N. Knapp.

Age 25 Blood 1/8

Post Office, St. Louis, Mo.

Father: John S. Knapp. W. L.

Mother: Christina N. Knapp. 1/4 L

Claims through

Mother

Children:

Self alone

H. J. Harris
Stenographer

Wm H. Knapp

DECISION BY

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.
CHICKSAW NATIONS

MAR 4 1904

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAR 10 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 10 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

MAR 10 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

JUN 26 1905

370

Choctaw MOR 7282

Nettie M. Harp

MOR 7282

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7282

In the matter of the application of Nettie May Herp for the identification of herself and her minor child, John Lewis Herp, as Mississippi Choctaws.

Thomas & Harrison, for applicant; no appearance.

Nettie May Herp being sworn on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Nettie May Herp.
Q How old are you? A Thirty two.
Q What is your post office address? A Wichita, Kansas.
Q What is your father's name? A Henry W. Drolte.
Q What is your mother's name? A Sarah Drolte.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q Is your father a white man? A Yes sir.
Q How much Choctaw blood do you claim? A One fourth.
Q How long have you resided at Wichita? A Six years.
Q Where before that? A Reno County, Kansas.
Q How long did you live there? A Ever since I was small.
Q Where were you born? A Illinois.
Q You have lived in Illinois and Kansas? A Yes sir.
Q Did you live in Mississippi ever? A No sir.
Q Through which parent does your mother claim her Choctaw blood?
A Reuben Harper.
Q How much Choctaw blood did Reuben Harper have? A I don't know.
Q Do you know the name of Reuben Harper's father? A Charles.
Q How much Choctaw blood did Charles Harper have? A Full blood.
Q Do you know the name of Charles Harper's wife? A I don't.
Q Do you know whether she was a Choctaw Indian or not? A I have heard that she was.
Q How much Choctaw blood did she possess? A I don't know.
Q Do you know whether Charles Harper had a Choctaw Indian name or not? A I don't know.

- Q Do you know whether Reuben Harper had a Choctaw Indian name or not? A I don't know that.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A George H. Herp.
- Q Is he a white man? A Yes sir.
- Q Makes no claim for Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q This application is for yourself and one minor child? A Yes sir.
- Q What is the name of your minor child? A John Lewis Herp; he is sixteen years old.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to have yourself and child enrolled as members of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw nation for yourself and child under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that has ever been made for you or in your behalf? A Yes sir.
- Q Do you appear at present for the purpose of claiming rights under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I believe I do.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are making application for the identification of yourself and minor child as Mississippi Choctaws? A Yes sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and was head of a family at that time? A Charles Harper I believe.
- Q What relation was Charles Harper to you? A My great grandfather
- Q Was Charles Harper living in Mississippi in 1830 at the time this treaty was made? A I don't know.

- Q Do you know where Charles Harper died? A No sir.
- Q Then the ancestor through whom you claim the right to be identified as a Mississippi Choctaw is Charles Harper, is it? A Yes sir. Reuben Harper is my grandfather.
- Q Well--- A He was the father of Reuben Harper.
- Q What was the name of your grandfather? A Reuben Harper.
- Q What age would he be if living now? A Right close to a hundred I believe.
- Q Did he reside in Mississippi in 1830? A I don't know.
- Q Do you know where he was born? A No sir.
- Q Know where he was married? A No sir.
- Q Know when and where he died? A No sir.
- Q Know how old he was when he died? A No sir.
- Q Do you know whether Reuben Harper was living in Mississippi at the time the treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors either Charles or Reuben Harper or any, remove from the old Choctaw Nation to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did signify intention to stay in Mississippi and comply with that article and on this account in many instances the land upon which Choctaws lived and had improvements and which they desired reserved for them under article fourteen of the treaty of 1830 was sold by the Government at Public Land Sale. This caused much complaint among the Choctaws who were deprived of their land and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions to go to Mississippi and hear claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did ~~six~~ any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and attempt to es-

establish rights under article fourteen of the treaty of 1830.
A I don't know.

The act of Congress approved August 23, 1842, provided that in case a Choctaw, it was finally determined, had complied with all the provisions of article fourteen but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in 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 ancestors receive any such scrip from the Government of the United States? A I don't know.
Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe? A I don't know.
Q So far as you know did any of them receive any benefits as Choctaw? Indians? A I don't know.
Q Have you any witnesses to introduce? A No sir.
Q Have you any written evidence you wish to submit? A Not with me.
Q Do you desire time to offer evidence at a later date? A Yes sir.

You will be allowed thirty days from the date of this application in which to introduce it; this time will not be extended.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Did your mother? A I don't know.
Q Did any of your relatives that you know of speak or understand the Choctaw language? A Not to my knowledge.

This applicant has the appearance of being descended from white parentage; her hair is light brown, eyes very light gray; facial features of the Angle Saxon; she has none of the characteristics of the Indian and has no knowledge of the compliance or attempted compliance upon the part of her ancestors with the provisions of article fourteen of the treaty of Dancing rabbit Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 11 day of April, 1903.

Henry G. Hains
Charles H. Sawyer
Notary Public.

M C R 7282
M C R 7278

Muskogee, Indian Territory, April 13, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing certificate of the Clerk of Pope County, Illinois, relative to the marriage of George Barter and Susan C. Harper; certified copy of decree of divorce between George Barter and Susan C. Barter; certificate of marriage record between Reuben Harper and Mariah Low; also certified copy of marriage license and certificate between Arthur B. Crary and Mrs. Susan Barter, offered in support of the application made by Susan Crary for the identification of herself and minor child as Mississippi Choctaws. Said documents have been filed with the record in this case.

Receipt is also acknowledged of certified copy of marriage license and certificate between George Herp and Nettie M. Drolte, offered in support of the application made by Nettie M. Herp for the identification of herself and minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman

M.C.P. 7282.

Muskogee, Indian Territory, November 6, 1903.

Hettie M. Herp,

Wichita, Kansas,

Dear Madam:

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 child 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,

Commissioner in Charge.

M.C.P. 7282.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Nettie M. Herp that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child 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,

Commissioner in Charge.

M C R 7232

Muskogee, Indian Territory, March 19, 1904.

Nettie M. Herp,
Wichita, Kansas.

Dear Madam:

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 minor child John Lewis Herp, was made a part, refusing application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

M C R 7282

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, June 26, 1905.

Nettie M. Herp,
Wichita, Kansas.

Dear Madam:

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 sever-
al persons included in the consolidated case of Jasper
Chambers, et al., of which decision you were advised by
registered mail on the 19th day of March, 1904.

Respectfully,



Chairman.

18

No.

7282

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date 3/23/03.

Name Nettie M. Kerp.

Age 32 Blood 1/4

Post Office, Wierata K.

Father: Henry W. Scott L.W.

Mother: Sarah " L. C.

Claims through

Mother

Herbert George N. Kerp.

Children:

John Lewis Kerp. 16.

Stenographer

H. J. Harris

MICHIGAN
JUN 27
10 AM
M.E.T.

IND. T
MICHIGAN
JUN 27
10 AM

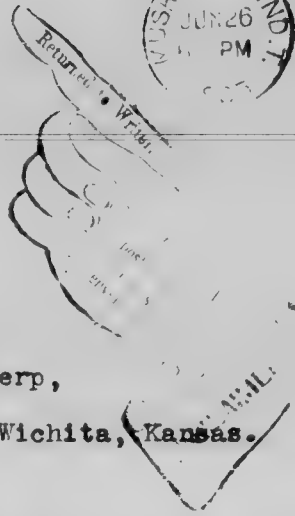
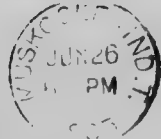
JUN 11 11 00 AM

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

7282

Nettie M. Herp,

Wichita, Kansas.



Nellie M. Jump, et al

DECISION RENDERED.

MAR 4 1904

COPY OF
ATTORNEY FOR APPLICANT
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT,

JUN 13 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 26 1905

Choctaw MCR 7283

Wilday E. Atchison

MCR 7283

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7283

In the matter of the application of Wildey E. Atchison for identification as a Mississippi Choctaw.

Thomas & Harrison; no appearance by attorneys.

Wildey E. Atchison being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Wildey E. Atchison.
Q How old are you? A Twenty two.
Q What is your post office address? A Denver, Colorado. (3635 Edmond.)
Q How long have you lived there? A Four years.
Q Where did you live before going to Denver? A I don't know; I can't give all the places; I was born in Galena, Illinois.
Q Were you ever a resident of Mississippi? A No sir; I moved from Galena to Quincy-- lived there four year; and from Quincy to Kansas City and from Kansas City to Denver, then to Nebraska and lived there eight years-- and I was working on the circuit-- then back to Denver--
Q And you have resided there since then? A Yes sir.
Q What is your father's name? A Elmer D. Atchison.
Q Is he living? A Yes sir.
Q What is your mother's name? A Jennie Harper Atchison.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q Your father has no Choctaw blood? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Through which one of her parents did your mother inherit her Choctaw blood? A From her father.
Q How much Choctaw blood did her father have? A He was a half breed?
Q What was her father's name? A William Harper.
Q Did he have a Choctaw Indian name? A Not that I know.
Q How old would William Harper be if living now? A I don't know.
Q Do you know when he died? A No sir.
Q Do you know where he died? A I don't believe I do.
Q Where was he born? A No sir.
Q How many times was he married? A No sir.
Q How old was he when he died? A No sir.
Q How old is your mother now? A No sir.
Q Do you know the name of the father of William Harper? A No sir.

- Q Are you married? A Yes sir.
 Q Have you any children for whom you wish to make application?
 A No sir.
 Q Is your wife a white woman? A Yes sir.
 Q She makes no claim to Choctaw blood? A No sir.
 Q You make no claim for her? A No sir.
 Q This application is for yourself alone? A Yes sir.
 Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
 A No sir.
 Q Did you or anyone for you in 1896 make application for citizenship in the Choctaw Nation to this Commission under the act of Congress of June 10, 1896? A I think not.
 Q Is this the first application of any description that has ever been made by you or in your behalf? A Yes sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A No sir.

Article fourteen of the treaty of 1830 reads as follows:
 "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How is that the provision of law under which you make application for identification as a Mississippi Choctaw? A Yes sir.
 Q What was the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made and was the head of a family at that time? A Charles Harper.
 Q How do you know he was living there and was head of a family?
 A I have just heard it from my mother and my uncles.
 Q How long have you been in possession of that information?
 A About two weeks.
 Q Prior to two weeks ago you didn't know that you were possessed of Indian blood? A No sir.
 Q When did you know that your ancestor Charles Harper had ever resided in Mississippi? A In fact never heard of him.
 Q What relation was Charles Harper to you? A My great grandfather.
 Q Was Charles Harper living in Mississippi when this treaty was made? A I can't say.

- Q Do you know when he died? A No sir.
- Q Then the ancestor through whom you claim your right to identification as a Mississippi Choctaw is Charles Harper? A Yes sir.
- Q How much Choctaw blood did he have? A He was full blood.
- Q Did Charles Harper or any less remote Choctaw ancestor ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I can't say.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I suppose they were.
- Q Upon what do you base that supposition? A Well, just from hearsay; that he was Indian.
- Q Just the information that you have received the last two weeks? A Yes sir.
- Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw nation in the Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of that State? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know; I understand that he tried to but couldn't.
- Q That information has also come to you within the last two weeks? A Yes sir. I have heard my mother say a long time ago something about my having Choctaw blood- no, Indian blood.
- Q Didn't say what kind of Indian blood? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to remain and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen was sold by the Government at Public Land Sale and the Choctaws deprived of their lands. This caused many complaints and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that

in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty but that his land had been sold by the Government he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government of the United States? A I don't know.

Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A I don't know that.

Q So far as you know did any of them ever receive any benefits as Choctaw Indians? A I don't know.

Q Have you any witnesses to introduce? A No sir.

Q Have you any written evidence with you? A No sir.

Q Do you desire to offer evidence at a later date? A --

Q If you should discover any? A Yes sir.

Thirty days will be allowed this applicant within which to introduce proper testimony before the Commission in support of this application; this time will not be extended.

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

Q Did you ever know of a relative of yours who did speak or understand Choctaw? A No sir.

This applicant has the appearance of being possessed of none of the characteristics of an Indian; and of being descended from white parentage; hair brown and straight, eyes light hazel, complexion fair; has no knowledge of the compliance or attempted to comply on the part of his ancestors with the provisions of article fourteen of the treaty of 1830, except the information that has been imparted to him within the last two weeks by his mother.

--

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17 day of April, 1903.

Charles H. Sawyer

Notary Public.

M C R 7283

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Willey E. Atchison that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M C R 7283

Muskogee, Indian Territory, November 6, 1903.

Willey E. Atchison,
3635 Edmond Street,
Denver, Colorado.

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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7283

Muskogee, Indian Territory, March 19, 1904.

Willey E. Atchison,
3635 Edmond Street,
Denver, Colorado,

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 your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 7283.

Muskogee, Indian Territory, June 26, 1905.

Willey E. Atchison,
3638 Edmond Street,
Denver, Colorado.

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 19th day of March, 1904.

Respectfully,

Chairman.

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No. 7283

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date 3/23 1903

Name Wiley E. Atchison

Age 27 Blood 1/8

Post Office, Leesmer Colo.
3635-Edmond St.

Father: Oliver E. Atchison & W.

Mother: Jennie N. Atchison & Chas.

Claims through

Children:

For himself & others

H. J. Warner
Stenographer

ALL USED
FOR IDENTIFICATION AS
A MISSISSIPPI CROWN LAW

Wilderj B. Atchison

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY GENERAL
CHICKASAW NATIONS.

MAR 6 1904

NOTICE OF DECISION MADE APPLICANT.

MAR 10 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION FILED
SECRETARY

M.

NOTICE OF DEPARTMENTAL
DECISION MADE APPLICANT

NOTICE OF DEPARTMENTAL
DECISION MADE APPLICANT

NOTICE OF DEPARTMENTAL
DECISION MADE APPLICANT

REFER TO

Choctaw MCR 7284

Mingo Walker

MCR 7284

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

In the matter of the application of Mingo Walker, et al.,
for identification as Mississippi Choctaws, M.C.R. 7284.

I N D E X

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

(Page)
Original application of Mingo Walker, et al., before the
Daves Commission for identification as MISSISSIPPI Choctaws,

Decision of the Commission refusing the application of
Mingo Walker, et al., for identification as Mississippi
Choctaws.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7224

In the matter of the application of Mingo Walker for the identification of himself, his wife, Susan Walker, and six minor children, Salveil Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and David Walker, as Mississippi Choctaws.

J.A. Hurley attorney for applicants.

Mingo Walker being duly sworn testified as follows:

Examination by the Commission:

(Reference is made to the case of Ulta Hill).

- Q What is your name? A Mingo Walker.
Q How old are you? A Forty one.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived there? A twenty one years.
Q Where did you live before that? A Marion County, Texas. from there went to Coffeyville and from that to Pittsburg.
Q Where were you born? A In Marion County.
Q What is your father's name? A Mingo Walker.
Q Is he living? A No sir.
Q What is your mother's name? A Clara.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Well, my mother some of the Jousess; I claim it on both sides.
Q Did your father have any Choctaw blood? A Yes sir.
Q And your mother? A Yes sir.
Q Was your father a slave? A Yes I think so.
Q Was your mother a slave? A Yes sir.
Q Were you born in slavery? A Yes sir.
Q Were your mother and father not freed by the emancipation program? A Yes sir.
Q Then you were born in slavery? A Yes sir.
Q And your mother and father were both slaves? A My father was I am sure and I am sure about my mother; I guess so was though.
Q Were your father and mother ever married? A Well, I don't know what kind of a marriage it was; it was supposed to be married.
Q It was in slavery days when they got the consent of the owner?
A Yes sir.
Q Where did they start to living together under slavery customs?
A I think it was in Arkansas after my grandfather was killed.
Q They didn't have any license, did they? A I am satisfied they didn't.
Q From which one of his parents did your father claim his Choctaw blood? A From the part of his father.

- Q What was his father's name? A Mingo; there may be something else but I don't remember the rest.
- Q Through which parent did your mother claim her Choctaw blood?
- A Mr. Jones.
- Q What was his first name? A I remember the Jones part; it must have been James I think.
- Q Are you certain it was James? A It was either James or John.
- Q You don't know which? A No sir.
- Q How much Choctaw blood did Mingo have? A My father said he was--I don't suppose he really knew-- he was very bright.
- Q How much Choctaw blood did he have? A Well, saw a half.
- Q How much Choctaw blood did your mother's father, Jones have?
- A I suppose he was full blood. I have heard my mother say he was.
- Q Now did either Mingo or James or John Jones have a Choctaw Indian name? A Well, I told you my grandfather's name was Mingo.
- Q You didn't know him by any other name? A No sir.
- Q And your grandfather didn't have any other name than Jones?
- A Not that I know of.
- Q Have your father or your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.
- Q You would know it if they had been, wouldn't you? A I don't know.
- Q If they were members of the Choctaw tribe of Indians? A No sir, I don't think they have been enrolled; I know they haven't.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Susan.
- Q Is she a Choctaw Indian or colored woman? A Supposed to be a colored woman.
- Q Has she any Choctaw blood? A Shows to be; her father claims about a half, William Patterson.
- Q Do you make any claim for her? A I believe I will; yes sir.
- Q What was the name of the ancestor through whom she inherited her Choctaw blood? A William Patterson.
- Q How much Choctaw blood did he have? A A half.
- Q How old is he at this time? A Sixty odd.
- Q Consequently he wasn't living in 1830? A No sir.
- Q Do you know what his father's or mother's name was? A I have heard him say his father was an Ed Patterson.
- Q Did he inherit his Choctaw blood from his father? A Yes sir.
- Q How much Choctaw blood did Ed Patterson have? A He said he was full blood.
- Q Did he have a Choctaw Indian name? A His name was Ed Patterson.
- Q You don't know of any other name? A No sir.
- Q Is Ed Patterson living now? A No sir, I suppose not.
- Q Know when or where he died? A No sir.
- Q Have you any minor children for whom you wish to make application? A Yes sir.
- Q You may give all under twenty one years of age and unmarried; their names and ages. A Caldwell Walker, sixteen; Harrison Walker, fourteen; Roger Walker, about ten; Jessie Walker, about seven; Bessie Walker, five. Sivil Walker, four.
- Q Are all these children of you and Susan Walker? A Yes sir.
- Q Are you now residing together as husband and wife and these children all residing with you at the present time? A Yes sir.

Q Is your name or the name of your wife or of any of your minor children found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for the enrollment of yourself, your wife or your minor children as members of that tribe? A No sir.

Q Did you or anyone for you in 1896 make application for citizenship in this Commission for yourself or wife or children in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes I suppose so.

Q Do you understand that article of the treaty? A No sir.

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

Q Is that the provision of law under which you are now making application for the identification of yourself, wife and children as Mississippi Choctaws? A Yes sir.

Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and was head of a family at that time? A My father's father I suppose; Mingo.

Q Did your mother's parents also reside there at that time? A I think some of them was in Alabama; Ed Jones.

Q -in 1830 and was head of a family at that time? A I suppose so; I don't know, really; I wasn't old enough.

Q Were any of your grandparents or Choctaw ancestors, or the ancestors of your wife residing in Mississippi within the old Choctaw Nation and heads of families in 1830 when this treaty was made? If so, give their names. A None but my grandfather.

Q And grandmother? A Yes sir.

Q Just your grandfather, Mingo, and Ed Jones? A Yes sir.

Q You don't know anything about your wife's ancestry? A No sir, only her father.

Q Were your grandparents, Mingo and Ed Jones living in Mississippi when this treaty was made? A That's what I have been told.

Q Who told you? A My father.

Q You have no information except what your father told you?

A I have heard my mother speak of it.

Q Did she know them personally? A Yes, my mother did.

- Q Where did she know them? A In Arkansas I think.
- Q Did they ever live in Alabama these grandparents of yours?
- A No sir.
- Q Then she didn't know them in Alabama? A No sir, maybe I didn't understand it. I said my mother knew my grandfather.
- A And I asked you where she knew them? A He got killed on Little River in Arkansas.
- Q Did either of your grandparents, Ed Jones or Mingo through whom you claim your right to identification as Mississippi Choctaws ever comply or attempt to comply with article fourteen of the treaty of 1830? A Not as I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I suppose my grandfather was.
- ~~Q I told you not to suppose, do you know? A No sir, I don't know.~~
- Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in the States of Mississippi or Alabama-- by improvements I mean houses, barns, or farm, cultivated land or orchard? A Not as I know of.
- Q Did any of your ancestors remove from the old Choctaw Nation to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the greater portion of the Choctaw Indians between 1833 and 1838? A Not as I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Do you know if any of the ancestors of your wife ever complied or attempted to comply with the provisions of that article? A Not as I know.
- Q Do you know whether any of the ancestors of your wife removed from the old to the new Choctaw Nation with the Indians between 1833 and 1838? A No sir.
- Q Do you know whether any Choctaw ancestor of your wife ever received any land from the Government under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know if any of the Choctaw ancestors of your wife ever signified his or her intention to the United States Indian agent in 1830, to remain there and so-- A No sir, not as I know of.
- Q Do you know whether any Choctaw ancestor of your wife ever lived in Mississippi? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi

to register the names of those who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to remain and comply with the provisions of article fourteen and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen was sold by the Government at Public Sale and the Choctaws deprived of their land. This caused many complaints and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard to the claims of Choctaws under article fourteen of the treaty of 1830

Q Did any of your Choctaw ancestors appear before either the Commission appointed in 1837 or 1842? A Not that I know of.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government of the United States? A I don't know sir.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe? A No sir.

Q So far as you know have they ever received any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses you wish to introduce? A No sir.

Q Have you any documentary evidence you wish to submit? A No sir.

Q Do you wish time? A Yes sir.

Thirty days time will be allowed for this purpose.

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

Q Did you ever know of a relative of yours who could understand or speak the Choctaw language? A Yes sir, only one. His name is Billy Mathias; he is my uncle.

Examination by J.A.Hurley:

Q Have you any relatives living in the Territory that are Indians?
A I know of some here by name but I don't know whether they are related or not.

By the Commission:

This applicant has the appearance of being descended from ~~white~~ parentage; from his complexion it would indicate that he probably had some white blood; his hair is curly or kinky, his complexion dark brown; his facial features those of a negro; he has no characteristics of an Indian and has no knowledge of the compliance or attempted compliance on the part of any of his or his wife's ancestors with the provisions of article fourteen of the treaty of 1830.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the

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above case on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of April, 1903.

Charles H. Sawyer
Notary Public.

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COPY.

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

In the matter of the application of Mingo Walker, et al.,
for identification as Mississippi Choctaws, M.C.R. 7284.

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 Mingo Walker for himself, his wife, Susan Walker, and his six minor children, Caldwell, Harrison, Reger, Jessie, Bessie and Sivil Walker, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that the principal applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Mingo Walker, who is alleged to have been a Choctaw Indian, degree of blood not stated, and James (or John or Ed) Jones, who is alleged to have been

a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; that Susan Walker claims said rights by reason of being a descendant of Ed Patterson, who is alleged to have been a full blood Choctaw Indian; and that the minor applicants herein applied for claim said rights by reason of being descendants of all the above named ancestors.

It appears from the evidence submitted by the applicants that they also claim from a more remote Choctaw ancestor than Minge Walker, one of the ancestors above given, who they allege, was the paternal grandfather of the principal applicant and who was possessed of one half Choctaw blood, but as they are only able to state the given name of this ancestor it is therefore impossible for the Commission to determine whether or not that 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 Stat., 321).

It is found that the name John Jones appears on pages 67, 122 and 133, Volume VII., American State Papers, Public Lands; on pages 18 and 139 in Volume I., Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 22742, and also on page 1088 in Volume II. of said record

in a number of lists, schedules and depositions, arising under the treaty of eighteen hundred and thirty, but it does not appear from the evidence submitted by the applicants herein that the John Jones through whom these applicants claim is the identical John Jones whose name appears in the records above cited.

The names Edward Jones and James Jones appear in Volume VII., American State Papers, Public Lands, on pages 71 and 118, respectively, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbe's and Greenwood LeFlore's Districts in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name James Jones also appears on page 138 of said record in "A list of claims allowed, under the treaty, in Greenwood LeFlore's District, apparently under the nineteenth article of said treaty". The records above referred to in no way relate to article fourteen of the treaty of eighteen hundred and thirty, or show the compliance or attempted compliance on the part of the persons therein named with its provisions.

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 (or James or Ed) Jones, through whom these applicants claim, or Minge Walker, or Ed Patterson, 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 Ningo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and Sivil Walker, as Choctaw Indians entitled 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)

Tamc Dixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

J. R. Irwinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory

AUG 5 1903

COPY.

Muskogee, Indian Territory, August 5, 1903.

Mingo Walker,

Pittsburg, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mingo Walker, 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 Mingo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jennie Walker, Beanie Walker and Sivil Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Register.

COPY.

Muskogee, Indian Territory, August 5, 1903.

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

Gentlemen:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Minge Walker, 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 Mingo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and Sivil Walker, as Choctaw Indians entitled 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)

T. B. Needles

Commissioner in Charge

COPY.

Muskogee, Indian Territory, August 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mingo Walker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6, 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,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

2 Enc. M.C.R. 7284.

(COPY)

Land.
34335-1903.

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

February 15, 1907.

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 Mingo Walker, for himself, his wife, Susan Walker, and his six minor children, Caldwell, Harrison, Roger, Jessie, Bessie and Eivil Walker, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on August 5, 1903.

The commission found that the principal applicant, Mingo Walker, based his claim for right to identification on his descent from Mingo Walker, who is alleged to have been a Choctaw Indian, degree of blood not given, and James, or John, or wd, Jones, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830; that Susan Walker claims her rights by reason of being a descendant of Ed Patterson, alleged to have been a full-blood Choctaw Indian, and the minor applicants claim their rights by reason of being descendants of all the above named ancestors.

Mingo Walker claims that his grandfather, also named

Mingo Jones, was of Choctaw blood, the percentage of which was unknown to him but he believes he must have been a full-blood since his father was "bright." His father, Mingo Walker, and his mother, Clara, were slaves. He maintains that his grandfather, Mingo, was also known by the surname of Jones and had a given name James, or John, or Ed, he is uncertain which. It is his contention that his grandfather, Mingo Jones, removed from Mississippi to Arkansas and was killed in that State. He knows nothing concerning the compliance by his grandfather, Mingo, or Ed or John or James Jones, with the provisions of the 14th article of the Choctaw treaty. The 1830 ancestor of the wife, Susan, is claimed to have been Ed Patterson, the father of her father, William Patterson.

There was a white man named John Jones, intermarried in the Choctaw Nation in 1830, the head of a family, who received land under the 14th article of the Choctaw treaty. He lived in Sumter County, Alabama. There was no James Jones, nor Ed Jones, whom was either an applicant or beneficiary under the 14th article. Tus-kah-chuck-ah-mah, a full-blood Choctaw who lived on Sec. 16, T. 10 N., R. 17 E., Kemper county, Mississippi, was sometimes called Jimmy Jones. He was transported to the Choctaw country west of Arkansas in 1846. He was a full-blood Indian. In 1830 he had a married daughter named Ish-te-mah and he had a child living with him under ten years of age, named Hi-ah-ka-mah-tubbee. No person of the name of Ed Patterson was an applicant or beneficiary under the provisions of the 14th article of the Choctaw treaty nor was any other person

of the surname of Patterson a beneficiary under that article.

The Commission to the five Civilized Tribes determined that under the proof submitted by the applicants they were not entitled to identification as Mississippi Choctaws.

A careful examination of the record has been made in this Office. It has been compared with the records of the Office concerning the names above given and the conclusion has been reached that the applicants have not satisfactorily established their descent from 14th article beneficiaries, and I therefore recommend the approval of the decision of the Commission.

Very respectfully,

C. F. Jarrabee,

Acting Commissioner.

EBH-Y.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.3548-1907.

February 19, 1907.

LRS.

Direct.

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

Sir:

In accordance with the recommendation of the Indian Office of February 15, 1907 (Land 54335-1903), the decision of the Commission to the Five Civilized Tribes dated August 5, 1903, denying the application for the identification of Mingo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker, and Sivil Walker as Mississippi Choctaws, is hereby affirmed. A copy of its letter is inclosed.

You will advise applicants and their attorney of this action.

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

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Of.

AJHc
2-20-07

MOR-7284

Muskogee, Indian Territory, March 7, 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 19, 1907 (I T D 3548-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 15, 1907 (Land 54335-1903), affirming the decision of the Commission to the Five Civilized Tribes of August 5, 1903, denying the application for the identification of Minge Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and Sivil Walker as Mississippi Choctaws.

Respectfully,

WLM.
Encl. 7/9

Commissioner.

MCH-7284

Muskogee, Indian Territory, March 7, 1907.

J. A. Hurley,
Attorney at Law,
Sulphur Springs, Texas.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 19, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 15, 1907, affirming the decision of the Commission to the Five Civilized Tribes of August 5, 1903, denying the application for the identification of Mingo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and Sivil Walker as Mississippi Choctaws.

Respectfully,

Commissioner.

J.M.
Encl. 7/3

REFER IN REPLY TO THE FOLLOWING:

MCE-7054

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

Muskogee, Indian Territory, March 7, 1907.

Mingo Walker,
Pittsburg, Texas.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 19, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 15, 1907, affirming the decision of the Commission to the Five Civilized Tribes of August 5, 1903, denying the application for the identification of Mingo Walker, Susan Walker, Caldwell Walker, Harrison Walker, Roger Walker, Jessie Walker, Bessie Walker and Sivil Walker as Mississippi Choctaws.

Respectfully,



Commissioner.

WLM.
Encl. 7/7

15

No. 7284

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date Feb. 23. 1903

Name Mingo Walker

Age 41 Blood

Post Office, Pellissippi Tex

Father: William Walker D C

Mother: Clara " L C

Claims through

both parents.

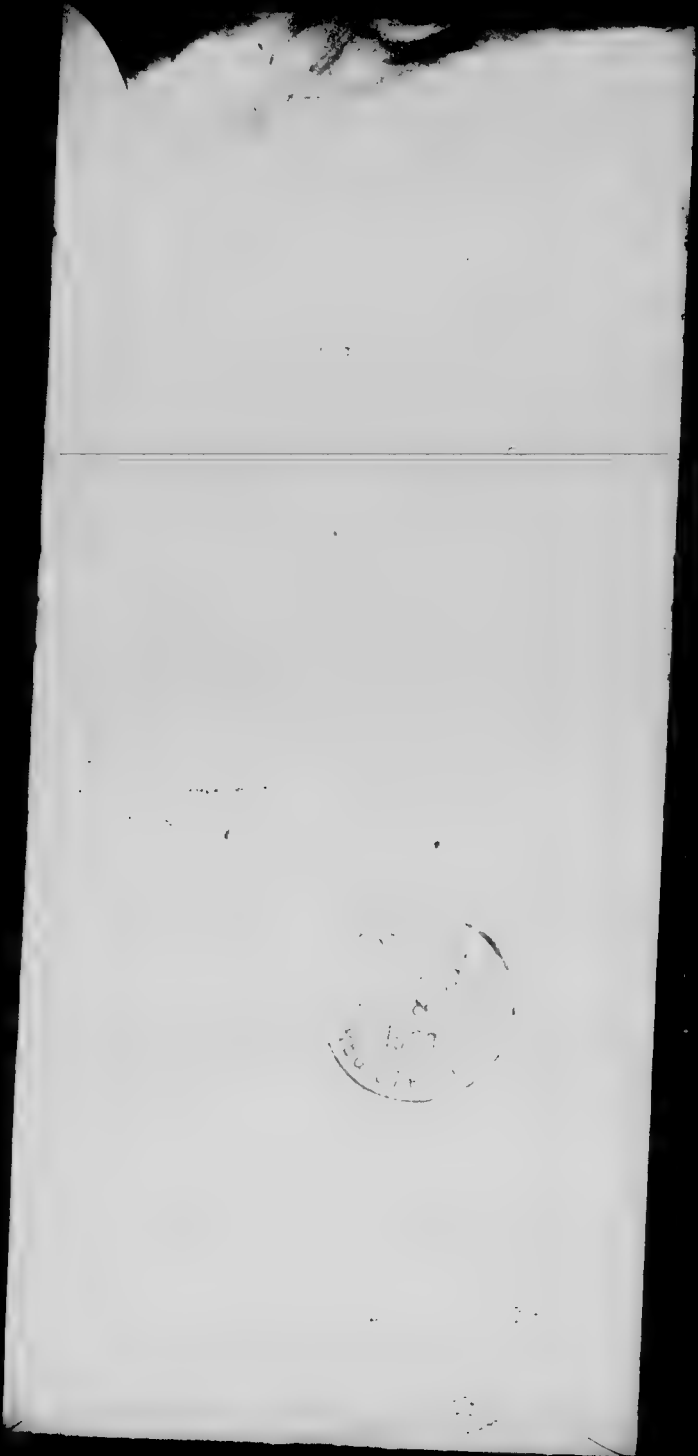
wife Cecilia Walker

Children:

- Leat Caldwell Walker 16
- Narrison " 14
- Roger " 10
- Jessie " 7
- Bessie 5
- Irvin 4

Claims for self, wife and 6 children

H. H. Haines
Stenographer



AUG
27
1903
REGISTERED



*Per request
of Post Master*

Hingo Walken
Pittsburg
OKLAHOMA

Texas.

Department of the Interior.

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

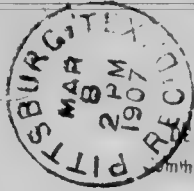
OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED
AUG
7
1903
MUSKOGEE, IND. TER.

8 1903

1779M



DEPARTMENT
Commissioner of

FILES

MAR 18 1907

[Handwritten signature]

Commissioner

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
A MISSISSIPPI STATE

Mingo Walker, et al.

REFUSED

APPROVED BY SECRETARY OF INTERIOR

FEE 10.00

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

M/A

10/1

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEY FOR APPLICANT

M/A

U

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

M/A

JUL

Choctaw MCR 7285

Oliver Sills

MCR 7285

913

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

R. 79

Oliver Sills, et al.

15 1904

OFFICE OF DECISIONS
AND COMMENTS FOR PROCLAIMING
INDIAN PATENTS

RECORDS SECTION DEPARTMENT

APR 1904

REMAINED BY THE
INTERIOR FOR IDENTIFICATION

RECORDS SECTION DEPARTMENT

*Identified as Mississippi Choctaw
by Secretary of Interior March 2*

IN THE MATTER OF THE IDENTIFICATION OF ALICE IVEY, MARY
JOHNSON, CATHERINE IVEY, DANIEL SILLS AND THOMAS SILLS AS
MISSISSIPPI CHOCTAWS.

I N D E X.

	(Page)
Application of Oliver Sills et al, for identification as Mississippi Choctaws-----	1
Additional testimony in the matter of the application of Oliver Sills et al for identification as Mississippi Choctaws-----	7
Decision of the Commission to the Five Civilized Tribes refusing the application of Oliver Sills et al for identification as Mississippi Choctaws-----	12
Decision of the Secretary of the Interior dated November 23, 1905, reversing the decision of the Commission of May 15, 1904, and directing the Commissioner to the Five Civilized Tribes to readjudicate said case according to the suggestion of the Assistant Attorney General therewith transmitted-----	17
Testimony taken on October 8, 1905, pursuant to the directions of Departmental letter of November 23, 1905-----	25
Letter of the Commissioner to the Five Civilized Tribes dated January 2, 1907, re- turning remanded record in said case with the recommendation that he be authorized to identify Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws-----	30
Letter of the Commissioner to the Five Civilized Tribes transmitting to the Secretary of the Interior for his approval a schedule of identified Mississippi Choctaws, containing the names of Oliver Sills, Lizzie Sills and Perry Sills-----	37
Letter of the Secretary of the Interior dated February 28, 1907, directing the identification as Mississippi Choctaws of Oliver Sills, his children, Lizzie and Perry Sills and his unnamed children re- ferred to in his testimony of March 23, 1903----	39

(Page)

Testimony of March 1, 1907, of Oliver Sills as to the removal to and settlement within the Choctaw-Chickasaw country, for himself and children, Lizzie and Parry Sills, and in which was disclosed the names of the five children heretofore referred to----- 51

Order of the Commissioner to the Five Civilized Tribes identifying Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills as Mississippi Choctaws----- 57

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

---o---

In the matter of the application of Oliver Sills, et al.,
for identification as Mississippi Choctaws, M.C.R. 7285.

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

	(Page)
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Commission to take deposition of Epsy Minter-----	7
Caption to deposition of Epsy Minter-----	8
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Answer to interrogatories propounded to Epsy Minter-----	11
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Certificate of J. W. Hill-----	25
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Commission to take deposition of Isaac Jackson-----	27
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Interrogatories propounded to Isaac Jackson-----	29
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Decision of the Commission refusing the ap- plication of Oliver Sills, et al., for iden- tification as Mississippi Choctaws-----	63.

Claim of Min-go-ho-mah, alias Captain Bob,

A Choctaw,

and the head of a Choctaw family at the date of the treaty of
Dancing Rabbit Creek

Claims for himself under the 14th article of said treaty one
section of land, embracing his then improvement, or a part of it,
which section is designated in the deposition of James Castles, of
Newton County, taken before Wm. L. Clearman, on the 24th day of
May, 1843.

He also claims lands for his following children living with
him at the time of the treaty, and then unmarried, to wit:

1. Ah-lo-ko-tubbe,	then over 10 years of age.
2. Ah-took-lah-ho-ka,	" " 10 " " "
3. Al-mo-tubbe,	" " 10 " " "
4. Is-ti-ah, f.,	" under 10 " " "
5. Yok-ko, f.,	" " 10 " " "
6. Chal-le,	" " 10 " " "

Min-go-ho-mah, or his
Captain Bob, X
mark

The State of Mississippi,)
Newton County,)

Personally appeared before me, James
Castles, a Justice of the Peace in said County, Captain Bob, who
being duly sworn says that the facts stated in the above application
are true to the best of his knowledge, information and belief.

Sworn to and subscribed before me this 24th day of May, 1843.

James Castles, J.P. (SEAL)

Capt. Bob, alias Min-go-ho-mah, being 5 feet 6 1/2 inches high and about 60 years of age;

States that he is a full blood Choctaw, and at the date of the Treaty of Dancing Rabbit Creek was the head of a Choctaw family. He then had living with him a wife, Me-ah-che, absent at home, and the following unmarried children, to wit:

1. Ah-lo-ko-tubbe,	then over	10	years	of	age,	present.
2. Ah-took-lah-ho-ka,	"	"	10	"	"	"
3. Al-mo-tubbe,	"	under	10	"	"	"
4. Ish-ti-ah,	"	"	10	"	"	"
5. Yok-ko,	"	"	10	"	"	"
6. Chal-le,	"	"	10	"	"	"

He then resided in Ne-tah-ca-cha's District, now Newton County on Tallehatta Creek. The line between Ne-tah-ca-cha's and Leflore's District divides the Chunka people,--some living in one and some in the other, he himself living not *far* from the line.

Within six months after ratification, he went up to Ward, the Agent, in person, and signified his intention to remain and take the five years' stay. At the same time that he signified for himself, he also signified for all the Chunka people, who had appointed him and three others to do so. For particulars he refers to his general deposition, taken before the Board on the 12th of this month.

He never received any grant of land under any other article of the treaty. He has always understood that he was entitled to a half a section of land as one of the Treaty Captains, but he has refused taking it, as he wished to get the land to which he was entitled for himself and children under the 14th Article. He never made any contract within five years after ratification for the sale of his claim or for any scrip in lieu of land.

Sworn to and subscribes before us
this 18th day of July, 1844.

Geo. S. Gaines
S. Rush.

Capt. Bob. His
 alias X
Min-go-ho-mah mark

Capt. Bob., alias,

Min-go-ho-mah,

Case No. 506.

Kon-e-toon-tubbe, a witness produced on the part of the claimant in the above case, being duly sworn and examined, testified as follows: That he is about 35 years old, and is no kin to the claimant. At the time of the Treaty of Dancing Rabbit Creek, which took place about fourteen years ago, he knew the claimant and his family well, and lived about four miles from him. He was then a Choctaw head of a family, and had living with him his wife, Me-hah-che, and six unmarried children, named Ah-loko-tubbe, then over ten years of age; Ah-took-lah-ho-ka, then over ten years of age; Al-mo-tubbe, then under ten years of age; Is-ti-ah, then under ten years of age; Yok-ko, then under ten years of age; and Chal-le, under ten years of age,--all present, and pointed out by witness. He then had a house and field on Tullehattah, Ne-tak-ca-cha District, now Newton County; his nearest neighbor was Un-te-ke-ah. Claimant nor his children never went west, but always remained in the ceded territory, and on the same land. He saw the claimant at the council held by the Chunka people on Chunka Creek early in the summer next after the treaty, which was held to make arrangements to send up to Ward, the Agent, to get their names registered for the five years' stay. After the breaking up of the council, Capt. Bob and the three men appointed went up to Ward's with the sticks representing the Chunka people to get his own and childrens' names and the names of all his people registered to remain and take the five years' stay. He saw claimant after his return, and understood from him that he had seen Ward, but that he had refused to register their names. This was a little before the middle of the next summer after the treaty. Corn was in silk and peaches nearly

The Department of Interior .

The Commission to the Five Civilized Tribes .

Muskogee , Indian Territory.

In the matter of the application of Oliver Sills , and others for identification as Mississippi Choctaws.

Now comes Oliver Sills , in behalf of himself and his minor children and makes application to take the testimony of I.L.Adair , a witness for claimant , before the Commission to the Five Civilized Tribes at Muskogee Indian Territory on the 21st. day of December , A.D. 1903, and for such application says .

That the said I.L.Adair resides at Pittsburg in the County of Camp and State of Texas ; that the testimony of the said witness is material ; that he expects to prove by the said witness that Oliver Sills the claimant , is a son of Mingo Hema alias Capt. Bob ; that he was born in the State of Mississippi and is a Mississippi Choctaw . That the said Oliver Sills , when a child , was stolen from his parents by slave traders and carried out of the State of Mississippi and sold as a slave . That the father of the said witness purchased the said Oliver Sills from the said slave traders and that the said witness has known the said Oliver Sills from date of the said purchase to the present time . That at the time of the said purchase it was well known that the said Oliver Sills was free born and was an Indian boy who had been stolen and kidnapped from his parents in the State of Mississippi .

That the said Oliver Sills has made his personal application to the Five Civilized Tribes for his identification as a Mississippi Choctaw .

Notice is hereby given to the Choctaw Nation and their Attorneys for Record that I will on the 21st. day of December , A.D.1903, offer the said I.L.Adair before the Commission of the Five Civilized Tribes for a personal examination by the said Commission as a witness for claimant Oliver Sills and for the purpose of using the testimony of the said I.L.Adair in behalf of said claimant .

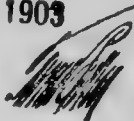
OLIVER SILLS

7285

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 15 1903



CHAIRMAN

UNITED STATES OF AMERICA,)
Indian Territory,) ss
Central District.)

I hereby certify that I served the within Application for Commission to Take Depositions on Mansfield, McMurray & Cornish, Attorneys for Cheetaw and Chickasaw Nations, by delivering a true copy of same to George A. Mansfield, a member of said firm, at their office in the city of South McAlester, I. T., this 12 day of December 1903 at 12:05 o'clock PM.

B E N J. F. H A C K E T T,
U. S. M a r s h a l.

By *W. Miller* Deputy.

Subscribed and sworn to before me this 9th day of December 1903.

*J. M. Hill Notary Public
Camp County, Texas.*

CERTIFIED COPY
MARRIAGE LICENCE

JOHN IVORY

TO

CATHERINE SILLS

.....

The State of Texas (TO ALL WHO SHALL SEE THESE PRESENTS:GREETING:

Camp County)

KNOW YE that any person legally authezed to
celebrate the

rites of matrimony

is hereby Licenced to join in Marriage, as husband and wife Ben Ivey
and Catherine Sills for so doing this shall be his sufficient authority.

In testimony whereof, I, ^{T. E. Russell} Clerk of the County Court of Camp
County, hereunto subscribe my name, and affix the seal of said Court, this 30th
day of August 1883.

T. E. Russell, Clerk.

The State of Texas)

Camp County)

This certifies, That I joined in Marriage, as Husband
and wife Ben Ivey and Catherine Sills on the 10th
day of September 1883.

B. Abernathy, M.G.

Recorded September 12th. 1883.

T. E. Russell, Clerk.

The state of Texas)

Camp County)

I, P. H. Goodjohn, Clerk of the County Court in and for
Camp County, Texas do hereby certify that the above and
foregoing is a true and correct copy of a Marriage

Licence issued and returned as appears of Record in my Office.

Given under my hand seal of Office in the City of Pittsburg, this the 28th.
day of February A.D. 1907

P. H. Goodjohn
Clerk County Court, Camp County, Texas.

The State of Texas (TO ALL WHO SHALL SEE THESE PRESENTS: GREETING:

Camp County)

KNOW YE, That any person legally authozed to
celebrate the

rites of MATRIMONY;

is hereby Licenced to join in Marriage, as husband and wife Gilph Ivy
and Allice Sills for so doing this shall be his sufficient authorit.

In testimony whereof, I, A.S. Huey Clerk of the County Court of Camp
County, hereunte subscribe my name, and affix the seal of said Court, this 25th.
day of January 1881.

A.S. Huey Clerk

The State of Texas)

Camp County)

This certifies, That I joined in Marriage, as Husband
and wife Gilph Ivy and Allice Sills on the 25th
day of January 1881.

Johnsen M.G.

Recorded January this 26th. day of January 1881

A.S. Huey, Clerk.

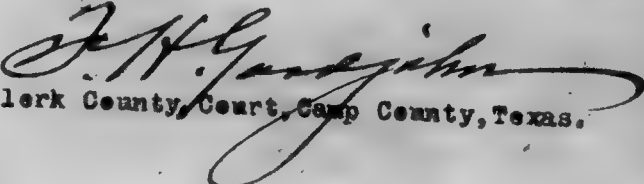
The state of Texas)

Camp County)

I, F.H. Goodjohn, Clerk of the County Court in and for
Camp County, Texas do hereby certify that the above and
foregoing is a true and correct copy of a Marriage

Licence issued and returned as appears of Record in my Office.

Given under my hand seal of Office in the City of Pittsburg, this the 28th.
day of February A.D. 1907


Clerk County Court, Camp County, Texas.

COPY

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

---00---

In the matter of the application of Oliver Sills
et al. for identification as Mississippi Choctaws, M C R 7285.

O R D E R.

It appears from the record herein that on March 23, 1903, application for identification as Mississippi Choctaws was made to the Commission to the Five Civilized Tribes by Oliver Sills for himself and his two minor children, Lizzie and Perry Sills.

That on December 21, 1903, a further hearing was had in said case before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, at which time the testimony of I. L. Adair, of Pittsburg, Texas, a witness on behalf of the applicants, was submitted, and there was also filed an affidavit of J. L. Long relative to the physical condition of Innes Jackson.

That on March 15, 1904, the Commission to the Five Civilized Tribes rendered a decision in the above entitled and numbered case, refusing the application for identification as Mississippi Choctaws of the said Oliver Sills, Lizzie Sills and Perry Sills.

That on November 23, 1905 (I T D 6296-1904, 15392-1905), the Secretary of the Interior rendered a decision in said case, reversing the decision of the Commission, dated May 15, 1904, and directing the Commissioner to the Five Civilized Tribes to readjudicate said case according to the sugges-

tion of the Assistant Attorney General therewith transmitted.

That in remanding said case the Department stated as follows:

"Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony you are authorized to grant a rehearing, provided application therefor be made to you showing the names and postoffices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations."

That on February 16, 1906, there was filed with the Commissioner to the Five Civilized Tribes a motion or petition of the said Oliver Sills praying for a rehearing in the case, and for thirty days time within which to procure and submit additional evidence.

That pursuant to the direction of November 23, 1905, further testimony in the matter of said application was had on October 3, 1906, and the record in said case returned by the Commissioner to the Five Civilized Tribes to the Secretary of the Interior on January 2, 1907, with the recommendation that he be authorized to identify Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws, and requesting specific instructions as to what further action, if any, should be taken by him in reference to the other children of the said Oliver Sills referred to in his testimony of March 23, 1903, and for whom no formal application, as Mississippi Choctaws, had ever been made.

That on February 13, 1907, the Commissioner to the Five Civilized Tribes transmitted to the Secretary of the Interior, for his approval, a schedule of identified Mississippi Choctaws, containing the names of the said Oliver Sills, Lizzie Sills and Perry Sills, opposite numbers 2524, 2525 and 2526, respectively.

That on February 28, 1907 (I T D 5460-1907), the Secretary of the Interior directed the identification, as Mississippi Choctaws, of Oliver Sills, his children Lizzie Sills and Perry Sills, and his unnamed children referred to in his testimony of March 23, 1903.

That on March 1, 1907, the said Oliver Sills appeared at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and submitted proof of removal to and settlement within the Choctaw-Chickasaw country for himself and children, Lizzie and Perry Sills, and in which was disclosed the names of the five children, heretofore referred to and whose identification has been ordered, same being Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills.

I am, therefore, of the opinion that, in accordance with the direction of the Secretary of the Interior, dated February 28, 1907 (I T D 5460-1907), the said Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills should be identified as Mississippi Choctaws, and it is so ordered.

SIGNED *Tams Bixby.*

Muskogee, Indian Territory,

Commissioner.

MAR - 4 1907

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7285

In the matter of the application of Oliver Sills for the identification of himself and his two minor children, Lizzie and Perry Sills, as Mississippi Choctaws.

J.A.Hurley, attorney for applicants.

Oliver Sills being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Oliver Sills.
Q How old are you? A About sixty years old.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived there? A Ever since the Surrender;
Q 1865? A Yes sir.
Q Where did you reside prior to that time? A In Alabama.
Q Where were you born? A There; Salem or Russel County, Alabama.
Q What is your father's name? A Tom Sills.
Q What is your mother's name? A Lydia Sills.
Q Is your father living? A No sir.
Q Is your mother living? A No sir, she's dead.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I claim a half.
Q Was your mother a slave? A No sir.
Q Were you ever a slave? A Yes I was but my mother wasn't.
Q You were born in slavery were you? A Yes but my mother wasn't.
Q Was your father a slave? A I don't know much about him;--my mother died-- ner sir, he wasn't.
Q What was his blood? A I think he was kind of a darkey.
Q Negro? A Yes sir.
Q How is it he was a negro and not a slave and living in Alabama? A No, he lived in Georgia at that time.
Q Are you sure he wasn't a slave? A I am sure my mother wasn't a slave; my father, though, was.
Q Your father was a slave? A Yes sir.
Q You say your mother wasn't a slave? A My mother wasn't.
Q How did you become a slave? A By us stepping out on the wrong side.
Q Your father and mother then were not married? A I don't think she was.
Q If they were married they were married under slavery customs?
A Yes sir.

- Q Were you freed by the emancipation proclamation in '63? A Yes sir.
- Q Were you a slave up till that time? A Yes sir.
- Q Through which parent did your mother get her Choctaw blood? A From Mingo Homer.
- Q Was that her father or mother? A That's my grandfather.
- Q What was your grandmother's name? A I didn't know her but I have witnesses who did know her back yonder.
- Q Do you know whether your grandmother was an Indian or a colored person? A I don't know; I got a old lady back yonder and knowed me when I was a kid.
- Q Now what was your grandfather's blood? How much Choctaw blood did he have? A My grandfather was a whole Indian.
- Q What was his Indian name? A Choctaw.
- Q What was his Indian name? A I don't know; I don't know his name.
- Q Have you brothers or sisters by these same parents who are older than you? A Yes sir, two; one of my sisters is fifteen years older than me.
- Q ~~She would be seventy five years of age now? A Yes sir.~~
- Q How much older than you would your brother be? A Five years older I think.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Harriet.
- Q Is she a Choctaw Indian or colored woman? A Colored woman.
- Q Full blood colored woman? A Yes sir, may be a little mixed, I don't know.
- Q Is she living? A Yes sir.
- Q You make no claim for her? A No sir.
- Q How many minor children have you? Under twenty one and unmarried? A Seven; only two that-a-way.
- Q What are the name of these children? A Lizzie Sills, nineteen;
- Q Next? A Perry (boy) Sills, seventeen.
- Q When this application is for yourself and two minor children? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or did anyone for you in 1896 make application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not as I know of.
- Q Is this the first application of any description that has ever been made by you or in your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article of the treaty? A No sir.
- Q Did you ever hear it read? A Yes sir, I have heard it read.

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 Now is that the provision of law under which you make application to the Commission for identification as Mississippi Choctaws?
 A Yes sir.
- Q What was the name of your Choctaw ancestor who lived in Mississippi or Alabama in the year 1830 when this treaty was made and was head of a family at that time? A I don't know sir.
- Q Do you know whether you had an ancestor in that country at that time or not? A No sir.
- Q Was your grandfather? A I don't know his name.
- Q What was your mother's name? A Lydia Sills.
- Q Was any of your Choctaw ancestors living in Mississippi or Alabama when this treaty was made? A I think they was.
- Q Who? A My grandfather and then I got a sister.
- Q What was your grandfather's name? A I g forget.
- Q Do you know when he died? A Not exactly.
- Q When did your mother die? A I don't know when she died; before the War I think.
- Q Don't know just when? You were a slave at the time she died?
 A Yes sir.
- Q Were you with her at that time? A No sir.
- Q Where was she? A In Alabama.
- Q What was she doing over there? A I don't know.
- Q You claim that your mother was a full blood Choctaw Indian, don't you? A Yes sir.
- Q Now did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 that I read to you? A Not as I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not as I know.
- Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw nation in Mississippi or Alabama? A I don't know sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 and 1838? A None, but my sisters did.
- Q Well, I said your ancestors. Did any of your Choctaw ancestors claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of 1830?
 A Not as I know of.

According to the provisions of article fourteen, of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to remain in Mississippi and comply with the provisions of article fourteen and on this account in many instances the land upon which Choctaws lived and had improvements and which they desired reserved for them under

article fourteen of the treaty of 1830 was sold by the Government at its Public Land Sales and the Choctaws deprived of their land. This caused a great deal of complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of the Commissions in 1837 or 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty but that his land had been sold by the Government that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government of the United States? A Not as I know.

Q So far as you know none of your ancestors were ever recognized as members of the Choctaw tribe of Indians? A No sir.

Q So far as you know they never received any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses you want to introduce? A Yes sir, Captain Adair. That's all I have here.

Q Have you any documentary evidence you wish to submit? A No sir.

Q Do you desire time to offer further evidence? A Yes sir.

Thirty days will be given this applicant to present proper evidence in this case; this time will not be extended.

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

Q Could your mother? A Yes sir; and my own dear sister.

This applicant has the appearance of possessing a mixture of either negro and white or negro and Indian blood; his color would indicate that he might be possessed of Indian blood; his hair is not as curly as the negro mixed with white would be, and his complexion is of a reddish brown indicating the presence of a quantum of Indian blood. The Commission is not able to determine if this be Choctaw blood or not. He has no knowledge of the compliance or the attempted compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Applicant excused and Isaac L. Adair called and sworn as a wit-

ness in this case:

- Q What is your name? A Isaac L. Adair.
Q How old are you? A Sixty seven.
Q What is your post office address? A Pittsburg, Texas.
Q Are you acquainted with the applicant? A Yes sir, I have known him fifty five years. He belonged to me as a slave.
Q Did you know his mother? A No sir; I knew his sister though. We owned both of them.
Q What age was he when he came into your possession, Captain?
A I suppose he was 8 or 10 years old.
Q Well, then, his age is nearer sixty eight or seventy isn't it? A He is only between 55 and 50, years old.
Q Then he was about eight years of age when he came into your possession? A Yes sir; my father bought him and give him to me.
Q You never knew his mother at all? A No sir.
Q What do you know about his being possessed of Choctaw Indian blood? A Well, my father bought him and his sister and his sister could hardly talk so that you could understand her- it was kind of mixed of Indian-- I don't know, I am not familiar with their linge- that's the understanding that they were Indian; and he told my father that we had better get rid of them and a great many negroes on the farm was afraid of her; her mother was hung for trying to cut her mistress's throat; I have seen his gash on him.
Q You have no Indian blood yourself? A No sir.
Q You don't know whether the Indian blood possessed by this applicant is Choctaw blood? A Only from hear-say; that's the general understanding that they were Choctaws.
Q Where did you get the information relative to his mother being Indian? A My impression is that my father got ten negroes; that they were not very goof and that they had been sold.
Q Then from your own knowledge of him, his nature and disposition you are confident that he is possessed of Indian blood? A Yes sir
Q Did you ever hear the name of his mother? A No sir; the negroes generally took the name of the mistress- Sills was the name he went by, you know; he didn't take the name of Adair.
Q Do you know if the parentage of the sister that you spoke of is the same as his parentage? A Ohm yes, I know the mother of these; I have heard the names; he has it down. He didn't know his grandfather's name.

By Mr. Hurley:

Have you told all that you knew about his family history? A That's all.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the

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above case March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of April, 1903.

Charles H. Sawyer

Notary Public.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 21, 1903.

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Additional testimony in the matter of the application
of Oliver Sills, et al., for identification as Mississippi Choctaws.

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J. A. HURLEY, Attorney for applicants.

G. ROSENWINKEL, In behalf of the attorneys for the
Choctaw and Chickasaw Nations.

-0-

By MR. HURLEY:

What I want to prove by this witness is, that this Oliver Sills was sold as a slave in his family; his father purchased Oliver Sills as a slave from a slave dealer. At the time of the sale Oliver Sills was quite a small boy and the slave dealer told him that he was an Indian; that he had better sell Oliver Sills and his Sister, both being Indians and entitled to their liberty, that they were liable to be recognized as other members. In connection with this the birth place and the state from which they were was also told to the father of Mr. Adair here and which he knows and heard himself; that the witness inherited Oliver Sills from his father as slave property, but Oliver Sills has been with him from that time until he was freed and is still with him.

I. L. Adair being first duly sworn, on oath, testified
as follows:

Examination by the Commission:

- Q What is your name? A I. L. Adair.
Q What is your age? A I am 65.
Q What is your postoffice address? A Pittsburg, Texas.
Q Are you acquainted with Oliver Sills, the applicant? A I am.
Q Did you ever reside in any other state besides Texas? A Yes Sir.
Q Where? A I lived in Alabama and Georgia and Arkansas.
Q State how long you have known Oliver Sills? A Well, I have known him 50 years; about 1850.
Q You state in your own way all you knew about his family history? A Well, my father purchased him and his sister; the party whom he purchased them from had become alarmed about the title to them and wanted him to sell them. The sister had such a disposition and all the negroes was afraid of her and sold her on that

account.

- Q What was the name of Oliver Sills' sister? A Virginia.
Q When was that? A In about '59, I think it was. I owned him up to the time he was set free; he went through the war with me.
Q How old is Oliver? A About 60 years old; I can't now recollect their ages; not as old as I am.
Q What race or nationality were they? A Well, they claimed to be Choctaw Indians; he looked more like an Indian than any other.

By Mr. Rosenwinkel:

We object to the answer that they claim to be Choctaw Indians. We are willing for them to state what they were not what they claim to be.

A I am satisfied in my own mind he is a Choctaw. His sister could talk a little Choctaw herself.

- Q You say Oliver Sills' sister spoke the Choctaw language? A I reckon it was; I don't know the Choctaw.
Q Did you ever hear her or Oliver Sills say where they came from and who they were? A I heard her, not Oliver, he was too young to know.
Q What did you hear her say? A Said she was from Mississippi.

By Mr. Rosenwinkel: We object to the answer to this hearsay testimony to preceding questions and answers. I believe he answered that she said she came from Mississippi?

A Yes, sir, she said she was from Mississippi and Sills also; I heard him talk to my father.

- Q As you are familiar with the slave trade, is it not customary when a slave is sold that the purchaser always inquires into the pedigree of the slave and learns his family history? A Yes sir.
Q Did you know anything about why they came to be removed from the State of Mississippi to Georgia? A I do not.
Q Is it a matter of any frequency in the state of Georgia to find persons sold that had been stolen from other states? A Yes sir, this is very common among these parties that were sold and slaves.
Q Did it ever occur that you found them among the Indians? A Yes, sir, I have known Indians being sold among them in Alabama.
Q Do you know Isaac Jackson, Mr. Adair? A Yes sir.
Q You know that he is a witness in this case, do you not? A Yes, sir.
Q Do you know anything about his present mental and financial condition? A No sir, I can't say; he is very old.
Q Don't know anything about his condition? A No sir, only what I have heard.
Q You know the character of the business transacted by slave dealers? A Well, yes, my father used to buy a great many but never sold many.

By MR. ROSENWINKEL.

- Q Mr. Adair, are you the same man that testified before the Commission in this case March 23? A Yes sir?
Q How old are you, Mr. Adair? A 65.
Q Where were you born? A IN Georgia.
Q Born in Georgia 65 years ago? A Yes sir.
Q You were born in Georgia in 1838? A '36.
Q Then you are 67 years of age.
Q How how old were you when you can first remember? A I can't recollect far back; I was 8 years old.
Q About 1844? A Yes sir.

- Q Now in 1844 did your father own this woman, this man Sills and these slaves? A Never owned his mother; never any but Virginia and Oliver.
- Q Well, did he own them in 1844, when you can first remember? A No sir; I think about the year '50.
- Q State if you know when your father first owned them? A Well, I could not say, but some where in the year of '50; along that time; it would be '49, '50, '51 or '2, I cannot say but somewhere about 1849 or '50.
- Q That was in the state of Georgia? A No sir, in the state of Alabama when he bought them.
- Q What county of Alabama? A In Russell county.
- Q Just state Mr. Adair, how long you remained in Georgia and where you removed to from there? A Well, I was about 8 year old when I went to Alabama, lived there about 14 years.
- Q To what part of Alabama did you remove? A Salem Alabama.
- Q Then how long did you continue to remain there? A About 14 or 15 years; then to Arkansas.
- Q How long did you live in Arkansas? A Well, I have lived there most of the time since I first went there.
- Q At what point in Arkansas? A Columbia county first; was living there when the war came up; then I lived in Prescott since the war. I came to Texas just after the surrender. Oliver was my cook during the war. After he was freed he just remained there.
- Q Mr. Adair, did Oliver speak Choctaw? A His sister could jabber something, they said it was Choctaw.
- Q Well, you say you are satisfied they were Choctaws. What makes you think they were Choctaws; from the fact that they only said they were Choctaws and came from Mississippi, and that was fact based upon what some body else told you--were there any Choctaw Indians in your vicinity? A It was the Seminoles; I believe it was; they fought there but I don't know whether the Choctaws were there or not, I know the Indians were there; they crossed the river; I don't know whether they were Choctaws or-----
- Q Mr. Adair, you say you have known of Indians who were sold by slave dealers in Alabama who were taken over there? A Yes sir.
- Q Tell me some Indian that you ever knew that was taken away and sold as a slave? A Well, I could not say sir.
- Q You made the statement that you knew of Indians that were sold as slaves in Alabama? A It has been so long sir it would be hard matter for me. Well, I know an old man there by the name of Lucas.
- Q Now, isn't it a fact that you never heard of a full blood Indian that was sold as a slave; did you ever hear of it? A I could not say anything about what it was myself, only from hearsay.
- Q As a matter of fact, you do not know then? A Well sir, I have heard of that but I could not give the names.
- Q Well, isn't it a fact that you don't know anything about it? All that you know is rumor? A Well, it was very common.
- Q Well, you were a big boy and seems as if it was very common you would have known who brought him there or who he was sold to? A I don't know.

By MR. HURLEY:

- Q Now you say Mr. Adair, that you knew one Lucas? A Yes sir.
- Q They had an Indian as a slave and that the Indian was afterwards liberated? A Yes sir.
- Q Did you ever see him? A Yes sir, but did not know his name.

- Q One question I would like to ask concerning the names of these parties, their Indian names. State, Mr. Adair, whether the names that you have given of these two parties, Oliver and Virginia, were the names given you by the slave dealer or their true names? A Well, they didn't give them their names after the war, they took their names; Oliver Sills took the name of this old master that owned him.
- Q The persons who had been slaves could select any names? A Yes sir.
- Q And he took the name of Oliver Sills? A Yes sir.
- Q What was his name when your father owned him? A His name was Oliver.
- Q In selling slaves like that, did they usually sell them by name or not? A By name, you know, but they didn't have no surnames.

By MR. ROSEWINKEL.

- Q You say this man Lucas owned an Indian who was afterwards liberated as a free man? A Yes sir.
- Q When? A Way before the war, maybe in '50.
- Q How did he come to be liberated? A I don't know that, I just heard that.
- Q Did you know the Indian? A I have seen him, but do not know his name.
- Q You do not know whether he was an Indian or not? A No sir.
- Q Now then, Mr. Adair, did you know the mother of Oliver and Virginia? A No sir, she was hung.
- Q Did you know that? A No sir, I heard Sills say that.
- Q The statement appears in your testimony given before the Commission last March, that you did know the mother; that is a mistake? A Yes sir; I knew of her but never saw her.

By THE COMMISSION:

- Q How old was Oliver Sills when he came into your father's possession? A I could not say; about 5, 6, 7 or 8 years old; somewhere along there.
- Q You were living at that time in Alabama? A Yes sir.
- Q Do you know where Sills got these slaves from? A My understanding is, got them in Mississippi.
- Q Do you know anything about his ancestors; who they were; Oliver Sills? A Only from hearsay, sir.
- Q Who told you about it? A I have heard his sister speak of it.
- Q How old was his sister? A About 18 or 20 years old.
- Q What did she ever state? A Well, she told me the names of them in Mississippi. I can't recollect; I could not tell their names after they told me what they are.
- Q So you don't know anything about the ancestors of this applicant at all? A Only from hearsay.
- Q And you don't recollect what they said? A That they were Choctaws in Mississippi.
- Q Don't recollect the family history of these people? A No sir, I don't recollect that.

By MR. ROSEWINKEL.

- Q You say you understood these people came from Mississippi? A Yes sir.

- Q Well now, from whom did you understand that? A I understood that from the party who my father bought them from, Henry Sills.
- Q You were there when Henry Sills told your father about that? A Well, it was along about the time my father bought them; I recollect it was '50 sometime, and I have heard him talk of it often, yes sir.

By THE COMMISSION:

- Q You have no other witness you want to testify? A No sir, no other witness.

The affidavit of J. W. Long, M.D. has been filed relative to the condition of Isaac Jackson, whose deposition has been filed with and made a part of the record in this case.

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Josie Davies, being first duly sworn, states on her oath that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 21st day of December, 1903, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this 21st day of December, 1903.

Josie Davies
Edward Horvick
Notary Public.

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Mt. Pleasant, Tex., Oct. 8th, 1906.

MCR-7285

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In the matter of the application for the identification of Oliver Sills, et al, for identification of Mississippi Choctaw.

In this additional proceeding, had at Court House at Mt. Pleasant, Texas, October 8th, 1906, for the purpose of securing additional testimony relative to the rejudication of the rights of the above applicant, in conformity with instructions contained in departmental letter of November 23rd, 1905 (I T D-6296-1904, 18392-1905).

Not it, this 8th day of October, 1906, this cause coming on to be heard, the following appearances were entered and proceedings had:

	J. D Willson, witness.
	J. A. Hurley and
APPEARANCES-	W. R. Heath, Att'ys for applicant
	No appearances in behalf of Choctaw
	and Chickasha Nations.

J. D. Willson being first duly sworn, testified as follows:

Examination by Commissioner:

Q Please state your full name Mr. Willson?

A John D Willson.

Q What is your age?

A Seventy-five past; 76 next March.

Q And your Post Office Address?

A Mt. Pleasant, Titus County, Texas.

Q Are you acquainted with one Oliver Sills?

A Not personally, only I saw him once.

Q How long ago was it that you saw him?

A It was in 1840, I believe.

- Q Where?
A In Mississippi.
Q In what part of Mississippi was he living at that time?
A Newton County.
Q Were you living there too?
A No Sir.
Q Were you there on a visit?
A Yes sir, with my father and a man that my father was trading with a great deal - prospecting.
Q What kind of a trade was he engaged in?
A Well, he bought land sometimes, negroes, etc.

Examination by J. A. Hurley:

- Q How come you to go to Newton County, Mississippi; state the circumstances in which you went?
A I was with my father and this man Johnson.
Q What was your father and Johnson doing on that trip?
A They were prospecting land and trading of any kind they could get up to make money out of.
Q Where did your father live at that time?
A He lived in Georgia.
Q How far from the Alabama Line?
A About 12 or 15 miles from east line of Alabama.
Q What year did you say it was that you went with your father and this man Johnson into Mississippi?
A It was in 1840.
Q How did you make that trip?
A We went in wagons - carried cotton to Montgomery and then went on into Mississippi.
Q Did your father transact any business on that trip?
A None particular, only in my father's property - father depended on Johnson's judgement in trades and he told him he was to consider in anything he could make beneficial.
Q Where was your father's property located; in what state?
A It was in Alabama.
Q You say he sold that on that trip?
A Yes sir.
Q Was your father a slave owner at that time?
A Yes sir.
Q How many slaves did he own?
A Between 25 and 30.
Q How come your father and Johnson to go to Newton County Mississippi?
A They were prospecting land, trading for negroes and anything they could make money out of. When we got to Newton County we took a halt and camped and rested a while.
Q Did you meet a man there by the name of Sills?
A Yes sir, my father did and I was with him and Johnson.
Q What was Sills doing there?
A I think he was a trader there with some slaves, buying and selling out to go - I think he was thinking about moving from there and finally did move.

#3.

Q Do you know what his given name was?

A No Sir, I do not - I thought it a very simple name.

Q Do you know whether or not Sills bought any negroes while you were - any slaves while you were there?

A I think he bought several while we were there.

Q Did your father buy any slaves?

A Father told Johnson he didn't like the negroes because they had Indian blood in them, and he didn't want negroes with Indian blood in them.

Q What did Johnson say about it?

A He told father if they didn't suit he wouldn't advise him to buy.

Q Do you know who was the owner, or claimed to be the owner of these parties that were sold to Sills?

A A man by the name of Murphy.

Q Do you know how many slaves he sold to Sills?

A I do not - I think there was a woman and some children - four or five I think in all. The Indian claimed some of the children that were being sold.

Q Who was the Indian, if you know?

A Mingo-Homah.

Q Did you hear Mingo-Homah say anything about the slaves being his children, or any part of them?

A No Sir, he seemed to be taking on a little about them; one of them especially - one of the children.

Q Do you know whether Mingo-Homah was an Indian or not?

A He looked like one; and they say he was one and I think he was called a Chief and Captain Ball I think was another name they called him by, in fact I know it was.

Q Do you know the names of the slaves that were sold?

A I don't remember; I don't.

Q That he claimed to be his children?

A I don't know the names. The one he seemed to be troubled about was a girl about green.

Q Did you see that girl?

A Yes sir.

Q Did she appear to be an Indian, or what race?

A She had the appearance of a Choctaw Indian.

Q Do you know whether she had any children at that time or not?

A I don't know - I think there were two they claimed - I don't know what their names were.

Q Do you know what become of that girl?

A Yes sir, I think Murphy sold her to this man Sills.

Q You stated just now that you knew Oliver Sills.

A I saw him once, I don't personally know him.

Q Do you mean by that, that you are speaking of this man Sills that bought the girl?

A Yes sir?

Q Do you know whether his name was Oliver or not?

A No sir, just called him Sills.

Q Well, now, Oliver Sills is the claimant in this case and resides in

Camp County Texas; do you know him?

- A I don't know him.
- Q Have you ever seen him to know him? A No Sir, I havent never seen him to know him.
- Q Do you know whether the children of this girl that you say was sold to Sills in 1840 were boys or girls? A I couldn't say whether they were boys or girls.
- Q Did you make any other trip with your father?
- A No sir, not over there.
- Q During your residence in Georgia do you know of any full-blund Indians that were slaves in your neighborhood?
- A There were several around there - there was one on old man Wm. J. Sterling's farm.
- Q You say you rastled with him once - what became of this Indian?
- A I donet know what ever became of him.
- Q Do you know of any other?
- A Not around there p there was one in Alabama on father's place that was living on it at that time and bought it. Father went there on that plantation several times and made a crop and took us boys with him.
- Q Do you know what bedome of this one?
- A While we were over there one time this Indian and this man's boys fell out and the Indian that night went off and I never saw him any more or heard of him. We go through with our work over there and went home.
- Q On that trip, this trading expedition you state was in 1840, did your father buy any slaves?
- A No sir, he didn't buy any.
- Q Did he buy any on his return home?
- A No sir, he bought some after he got there that were sent down from Virginia - negro slaves.
- Q When did you move to Texas?
- A In 1854.
- Q Where have you since resided? A In Titus County, Texas.
- Q You are a man of a family are you not? A Yes sir.
- Q Where does your children live?
- A There are two of them here in the Hardware business and the other one stays here; my daughter lives here too.
- Q What is her husband's name, and what business is he in?
- A He is Editor of the "Eagle", Blythe is his name, W. B. Blythe.

Examination by the Commissioner:

- Q Mr. Willson, do you remember in what part of Newton County you were in when you went there on this trip?
- A No sir, I don't remember - about the center in the bottom low swampy country.
- Q Do you remember the name of the nearest town from where you were camped?
- A No sir, I dont remember any town.

- Q Were you camped on any creek?
- A I don't remember the name of any particular creek. There was water around close to where we camped, of course we had to keep where we could get water.
- Q Do you remember the name of any important families around there; did you get acquainted with any of them?
- A No sir, we were living our and never made any inquiries about the families or the people in the country.
- Q You did see an Indian, I believe you stated?
- A Yes sir.
- Q Can you remember now what his appearance was?
- A He was a low, heavy set man, I suppose 5-1/2 feet high more or less; I didn't measure - about my height.
- Q What about his complexion?
- A He was red, Choctaw color.
- Q Do you know how many children he had then?
- A No sir, don't know how many children he had. I was a little jubbious of Indians from what I had heard, and from inquiries and what I already knew about them in our country. and around there.
- Q You testified awhile ago that you saw this Lidia who was said to be a child of his? A Yes sir, I saw her.
- Q Did you ever see her after you saw her in Newton County, Miss.?
- A No Sir.
- Q And you say you are not personally acquainted with Oliver Sills, who resides at or near Pittsburg, Texas?
- A No sir, I am not personally with him.
- Q Were you present in Newton County Mississippi when this Lidia was purchased by Mr. Sills, this slave trader?
- A Yes, he was trying to buy them and said he did buy them - my father said he bought them. I was young and small and don't remember anything about this transaction.
- Q Do you about this girl, this Lidia?
- A No sir.
- Q Did you see Lidia Moore there?
- A I saw one woman there - don't know what her name was.
- Q And you never saw Lidia after that?
- A No sir.

Statement by J. A. Hurley:

We have no further testimony to contour in behalf of the Claimant and announce that we will close the testimony.

By Mr. Hurley:

I also desire to let the record show that Oliver Sills, through his attorneys, has made an effort to locate his sister, Virginia Sills, but has not been able to get any trace of her.

Guy H. Webber being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported proceeding had in the above entitled cause on the 8th day of August, 1906, and that the foregoing is a true and correct transcript of his stenographic note thereof.

(Signed) Guy H. Webber

Subscribed and sworn before me this 29th day of October, 1906.

(Signed) P. B. Branch
County Clerk
Notary Public.

Seal

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

----c0e----

Muskogee, Indian Territory, March 1, 1907,
11:30 o'clock P. M.

----c0e----

In the matter of the proof of removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Oliver Sills, Lissie Sills and Perry Sills, identified Mississippi Choctaws, card No. 913, schedule Nos. 2524, 2525 and 2526, respectively.

OLIVER SILLS, being first duly sworn by A. W. Fite, Jr., testified as follows:

By the Commissioner.

- Q What is your name ? A Oliver Sills.
Q How old are you ? A About 70 years old.
Q What is your post office address ? A Garvin, I. T.
Q Are you the Oliver Sills who was identified by the Commissioner to the Five Civilized Tribes on January 2, 1907 ? A Yes sir.
Q What was your father's name ? A I have forgotten my father's name.
Q Was his name Tom Sills ? A My mother's name Little, but she died before I got any size.
Q You don't know your father's name ? A No sir, I have forgotten; I was quite young you know.
Q Are you married ? A Yes sir.
Q Is your wife living ? A Yes sir, I have been married before the Civil War commenced.
Q What is your wife's name ? A Harriet.
Q Have you any children ? A Yes sir.
Q How I want you to start with the oldest and give me their names and ages? A I got their ages down; I have got so many I cannot think of it; the oldest is named Alice Ivey.
Q Is she married ? A Yes sir.
Q What is her last name ? A She goes by Alice Ivey.
Q Where does she live ? A She lives at Findley Switch about 20 or 30 miles from me.
Q In what State ? A Bowie County, state of Texas.
Q What is the next child's name ? A Mary.
Q Is she married ? A Yes sir.
Q What is her name now ? A Mary Johnson.
Q Where does she live ? A She lives close to Naples, State of Texas ? A Yes sir, Naples, Texas.
Q What is the next child's name ? A Next one is Catherine Ivey; she married Ben Ivey.
Q What is her post office address ? A Pittsburg, Texas.
Q What is the next child's name ? A Lissie.
Q How old is she ? A She is three years old since I put in her, 20 now.
Q Does she live with you ? A About a mile from me.
Q With whom does she live ? A Ward Ivey.
Q Is she married ? A Yes sir.

- Q What is her post office address ? A Her post office down on the switch, got these here little traveling boxes, on the Cotton Belt.
- Q Would her town address be Pittsburg, Texas ? A Yes sir.
- Q How old is she ? A 35 years old.
- Q What is the next child's name ? A Thomas.
- Q How old is he ? A Born in '74.
- Q Does he live with you ? A No sir, he live down toward Texarkana.
- Q Will the town of Texarkana be his post office address ? A Yes sir, that is where I write to him.
- Q Your letters reach him at Texarkana, Arkansas ? A Yes sir.
- Q What is the next child's name ? A Daniel.
- Q How old is he ? A Two years younger than Thomas.
- Q Is he married ? A No sir, I don't think he is married now.
- Q What is his post office address ? A He just works about on the train cleaning up engines.
- Q Where does he make his home ? A Where night overtake him. He comes up to Pittsburg to see me and his mother.
- Q Where does he get his mail ? A Texarkana.
- Q When you went to write to him did you direct your letter to Texarkana ? A Yes sir.
- Q What is the next child's name ? A Four girls and two boys, I have done forgotten the names.
- Q Didn't you testify once that you had seven children ? A I got seven living.
- Q You have not named any that are dead ? A No sir.
- Q What is the next child living ? A I have got all the seven now.
- Q Have you another son ? A Just two Dan and Tom, Mary, Alice and Lizzie.
- Q Was either Daniel or Thomas ever known by the name of Perry ? A Perry is my youngest boy.
- Q How old is he ? A He is now about 22.
- Q What is his post office address ? A The same one my is.
- Q Is he married ? A No sir.
- Q Does he make his home with you ? A Yes sir, live with me all the time; he is not bright.
- Q Are these children all by the same wife ? A Same wife.

The names of Oliver Sills and his two children, Lizzie and Perry Sills, appear on identified Mississippi Choctaw card No. 913, schedules numbers 2524, 2525 and 2526, respectively.

It further appears that they were identified as Mississippi Choctaws on January 2, 1907.

- Q When did you remove to the Choctaw-Chickasaw country, Oliver ? A Well I aint moved up there yet; just traveling up there on a visit.
- Q Is it your intention to make your home in the Choctaw-Chickasaw country, Indian Territory ? A That is my business here to-night, Boss; that is my business. I am going on it and settle on it and die on it.
- Q You have been living in Pittsburg, Texas ? A Yes sir.
- Q Do you own any property there ? A Not only some cows, hogs and a little piece of land.
- Q Do you intend to make your home in the Choctaw-Chickasaw country ? A Yes sir.
- Q When do you intend to go about doing it ? A Just as quick as I can make it through. You know I have to build something to live in you know.
- Q Do you intend to go to Garvin and immediately commence the building of a home ? A Yes sir, right where the land is found for me I am going to build on it.

- Q What children will you bring with you ? A I would like to bring them all with me to take care of me - I am getting pretty old in age.
- Q You don't know whether you can bring them all or not, whether they will come ? A If they don't I will have to come myself.
- Q What children can you bring ? A I can bring Perry, Lizzie and Catherine.
- Q Do you intend to bring Perry and Lizzie ? A Yes sir.
- Q You intend to make their home at Garvin, Indian Territory, with you ? A Yes sir.
- Q You intend to dispose of your property in Pittsburg, Texas ? A I will turn it loose I guess.
- Q You intend to sell it, do you ? A Yes sir.
- Q You do not intend to live in Texas any more ? A No sir, just as soon as I can sell.
- Q How long have you been in the Indian Territory ? A I have been here a good while.
- Q How many days ? A We started away from yonder last Friday; been down there looking at it a good while.
- Q No one came up here with you from Texas, any of your family ? A No sir.
- Q Did you bring anyone with you when you came from Texas ? A No, sir, just brought myself.
- Q You say you came here about a week ago to-day ? A Yes sir, came on Saturday.
- Q It was last Saturday, was it ? A Yes sir.
- Q Where have you been since that time ? A I have been there not far from the place.
- Q From what place ? A Let me see - I expect just about 20 miles from this place called Hayworth, but the place I have my post office will be Garvin.
- Q Have you been to Garvin yet ? A Yes sir, I have been there yesterday.
- Q Why didn't you come up before, Oliver ? Didn't you get a notice from ussemetime ago ? A I come just as soon as I get notice.
- Q Didn't you get a notice quite awhile ago ? A No sir, I got this - - I thought I would get through with it and we got a notice here first part of last week, and just as quick as I got the notice I got Mr. Heath to come with me.
- Q Was that the first time you got a notice ? A Yes sir. I didn't have the money to come and I just come right up out the field.
- Q Who brought you over this time ? A Mr. Heath brought me over.
- Q Does he live down there in Pittsburg ? A Yes sir.
- Q Has Alice got any children ? A Yes sir, I think she has got close to ten.
- Q All living ? A She got ten living; I know it. I got a small regiment of grand children.
- Q Can you give the names of Alice's children ? A Not well. I can give my own children, but when it comes to my grandchildren it is hard to do it.
- Q You would not like to give them now ? A Yes sir, I would like to give them now; I had them put down before I left home - - -
- Q Give us the names of Alice's children in order if you can; if you cannot, give them the best way you can ? A She got one named James - It is might hard for me to think of the children. She got one named Tennie, ~~James~~ Leman; I cannot think of the ether.
- Q Do they all live with her ? A Yes sir, all but one; he is off working on the railroad.
- Q What is his name ? A James is the one working on the road now.
- Q James, Tennie and Leman are the only ones that you can call now, are they ? A Yes sir.
- Q Has Mary Johnson got any children ? A Yes sir.
- Q Can you give their names ? A It is hard work for me to do that

- now; heap of times I cannot think of my own.
- Q How many children has Mary got living at the present time ?
A 5 or 6, I think.
- Q Think and see whether you can give the names of any of them ?
A I am afraid I would not give them right; I want to give them right.
- Q Do not give them unless you are sure of them, but if you are sure of them give us their names ? A She got one girl named Calidonia, and the other I cannot think of. She got two others about as high as I am.
- Q Is that the best you can do now with Mary's children, you think ? A They been off three years and I cannot think of them.
- Q Has Catherine Ivey got any children ? A Yes sir, she got a small regiment.
- Q How many has she got ? A She got ten or 11.
- Q Can you name any of Catherine's children ? A No sir, I would just as soon have one of my teeth drawn out as to try to give their names. Catherine got a child named McMeely, and another named Hard, another girl named Lizzie.
- Q Has your daughter, Lizzie, got any children ? A She got one child.
- Q What is its name, do you know ? A Hard, and she got one baby.
- Q Has she got two children ? A Yes sir.
- Q What is the baby's name ? A I don't know, Sir.
- Q She has got one named Hard, though, has she ? A Yes sir.
- Q Has Thomas, your boy Thomas, got any children ? A Yes sir, he has got some children but he has quit his wife. I don't know what you would do about them.
- Q Do you know the names of the children ? A No sir; he has got one child named Lemon.
- Q Do you know the names of the rest of them ? A No sir.
- Q Has Daniel got any children ? A Yes sir, he has got one out here at Mt. Pleasant, a boy.
- Q He has got one boy ? A Yes sir.
- Q What is his name ? A I don't know.
- Q He lives at Mt. Pleasant, Texas ? A Yes sir.
- Q Has Perry got any children ? A No sir, he is not old enough to have any children.
- Q How your children, Alice, Mary, Catherine, Lizzie, Thomas, Daniel and Perry, are all living at the present time ? A Yes sir.
- Q All living in the State of Texas ? A Yes sir.
- Q And all of them are married, or have left you, taking care of themselves ? A All but my boy Perry, he stay with me and his mother.
- Q You left Perry and your wife down at Pittsburg when you came away ? A Yes sir.
- Q Are you going back to Pittsburg when you leave here ? A Yes sir.
- Q How long do you expect to stay ? A It takes money to travel back and forward. If I had not met Mr. Heath I would not have been here to-night.
- Q Well after you go back to Pittsburg what do you expect to do ?
A Well, if necessary, it would be best to get their names and get them right.
- Q Then what are you going to do ? A Bring them here and let you look at them yourself.
- Q After you go back to Pittsburg what do you intend to do yourself; are you going to stay down there ? A Well, I don't know, Sir. This year I had a good piece of ground I had leased, and I thought if I could I would like to carry it out. This my last lease of 1907; time will be out this years

- Q You have got a lease for all this year, have you ? A Yes sir.
Q How much land have you got under lease ? A Five acres. I want
to make enough off of it to come up here.
Q Do you cultivate it ? A Yes sir.
Q You expect, then, to go back there and cultivate that land
until you can get a little money to come back here ? A That
is what I want to do.
Q Now, Oliver, do you intend to come back here to the Territory
just as soon as you can and make this your future home, live
here and die here ? A That is my aim to-night. That is the
reason I came by Garvin to try and see about it. You see I
am getting old; while I was getting old and feeble I thought I
would get my children and put them on land.

Witness excused.

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R. H. HEATH, being first duly sworn by A. W. Fite,
Jr., testified as follows:

By the Commissioner.

- Q What is your name ? A R. H. Heath.
Q How old are you ? A 46 years old.
Q What is your post office address ? A Pittsburg, Texas.
Q What is your occupation ? A Peach grower.
Q Are you acquainted with the applicant, Oliver Sills ? A I have
known him all my life.
Q Are you acquainted with any of his children ? A Yes sir; I
don't know those grown boys he has mentioned in here that
live away, but I know all of the girls.
Q You have heard his testimony; what daughters of Oliver Sills
do you know ? A Four of them; Alice, Catherine, Lizzie and
Mary. I knew the husbands of them; they married three Ivey
boys.
Q Do you know how many children Alice Ivey has ? A (The wit-
ness refers to a paper upon which are the names of several
grand children of the said Oliver Sills, as stated by their
mothers in his presence and hearing, and at said time and
under said conditions reduced to writing).
Q Refreshing your memory, Mr. Heath, what are the names of the
children commencing with the oldest, if you can, of Alice
Ivey ? A Levi Singler, 25 years old; James Sills, 22 years
old; Louis, Sim, Thomas, Lillie and Joseph.
Q Do you know of any one of the children that you have named
as going by the name of Lemon ? A Some of them in this
crowd have the name of Lemon.
Q Is it one of the children of Alice ? A It appears that it
is one of the children of Catherine.
Q By the same reference will you name the children of Mary
Johnson, commencing with the oldest, and give their ages ?
A Pearlina, 9; Willie, 7; John William, 20; Calidonia, 16;
Corrine, 14; and A. D., 12, and a child not named 1/2 years
old; I remember that instance.
Q What are the names and ages of the children of Catherine, if
you know ? A Lizzie, Melbely, Harb, Quinnie, Bertha, Plummy
D., Annie, Lemon, Flemings and Drucilla.
Q State, if you know, the names and ages of the children of
Lizzie Ivey ? A Lizzie Ivey has only one infant that I remember
of, possibly two. She only has one and that was an infant, I
think, two months old.

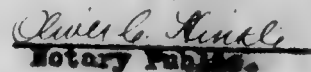
- Q Do you know its name ? A I don't know what it is. It may be something over a year old, possibly less than that.
- Q You state that the paper to which you have referred and to which you have refreshed your mind was made in your presence, and that the names as placed thereupon were given by the respective mothers of the children ? A Yes sir; in my presence.
- Q And within your hearing ? A Yes sir; before a notary public.
- Q Are these children of Oliver Sills living with their husbands at this time ? A The girls are, but I don't know anything about the boys.
- Q In I only ask you about the girls ? A Yes sir, they are looking to their husbands for support.
- Q They are not dependent upon their father, Oliver Sills, for support ? A No sir.
- Q Since Lizzie married she has been living separate and apart from her father's household ? A Yes sir.
- Q Do you know Perry Sills ? A Yes sir.
- Q He is under the care and custody of his father ? A Yes sir.
- Q Do you know Daniel Sills ? A No sir.
- Q Do you know Thomas Sills ? A No sir.

Witness excused.

Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, on oath states that he recorded the testimony and proceedings had in this cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.


Wm. L. Martin

Subscribed and sworn to before me this the 2nd day of March, 1907.


Charles G. Kunkle
Notary Public.

COPY

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

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In the matter of the application of Oliver Sills, et al.,
for identification as Mississippi Choctaws, W.C.R. 7285.

---: 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 Oliver Sills for himself and his two minor children, Lizzie and
Perry Sills, under the following provision of the act of Congress
approved June 28, 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 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 descendants
of King Homer (or Homok, or Homok, or Captain Bob), who is alleged
to have been a full-blood Choctaw Indian and to have resided in Mis-

Mississippi in eighteen hundred and thirty; and Francis Homer (or Homoh, or Homah), nee Murphy, who is alleged to have been a Choctaw Indian, degree of blood not stated.

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

From the evidence submitted in support of said application, it appears that the principal applicant herein is about 60 years of age and the son of Tom Sills, a negro slave, and Lydia Sills, who is alleged to have been a full or three-quarter blood Choctaw Indian; and that Lydia Sills was the daughter of Mingo Homer (or Homoh, or Homah, or Captain Bob), a full-blood Choctaw Indian, who is alleged to have been an Indian Chief, and Francis Murphy, a part Choctaw Indian woman, both of whom resided in Newton county, Mississippi in eighteen hundred and thirty, the latter being a slave of one Mr. Murphy. It is further stated that Lydia Sills was born in Newton county, Mississippi in 1830 and about the year 1840 was brought to Pike county, Georgia as a slave on one Friend Sills.

It is found that the name Captain Bob, alias, Min-go-ho-sah appears on pages 382, 308, 581, 583 and 584 of Volume I, Claims and Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under

article fourteen of the treaty of eighteen hundred and thirty, wherein it appears, among other things, that the said Captain Bob, alias, Min-go-ho-nah, in eighteen hundred and thirty, resided in Newton county, Mississippi on Section 26, Township 7, Range 13 East, and that he appeared before Colonel Ward and signified his intention to remain for the five years stay and take land under article fourteen of the treaty of eighteen hundred and thirty. It further appears that he at that time had six children, two over and four under ten years of age whose names are as follows: Ah-lo-ko-tubbe, Ah-took-lah-ho-ka, Al-mo-tubbe, Ish-ti-ah, Yek-ko and Chal-le.

It further appears that Captain Bob, alias, Min-go-ho-nah received scrip as a beneficiary under article fourteen of the treaty of Dancing Rabbit Creek, and in relation thereto the Indian Office furnishes the following testimony of one Kon-e-toon-tubbe taken in 1844 before the Commission appointed under the act of Congress of August 23, 1842:

"Capt. Bob, alias
Wingo homah.
Case No. 506.

Kon-e-toon-tubbe, a witness produced on the part of the claimant in the above case, being duly sworn and examined, testifies as follows: That he is about 35 years old, and is no kin to the Claimant. At the time of the Treaty of Dancing Rabbit Creek which took place about fourteen years ago, he knew the Claimant and his family well, and lived about 4 miles from him. He was then a Choctaw head of a family, and had living with him his wife Ke-hah-ohs, and six unmarried children, named Ah-lo-ko-tubbe, then over ten years of age, Ah-took-lah-ho-ka, then over ten years of age: Al-mo-tubbe, then under ten years of age, Is-ti-ah, then under ten years of age, Yek-ko, then under ten years of age, and Chal-le, under ten years of age, all present, and pointed out by witness. He then had a house and field on Tulle hattah, Ke-tak-ohs, District, now Newton County; his nearest neighbor was Un-te-ka-ah. Claimant, nor his children ever went west, but always remained in the ceded Territory, and on the same land.

Sec. 26, T 7, R 13 E.,
Newton Co. Miss.

From the above it will be noted that the wife of Captain Bob, alias, Wingo-ho-nah, or Wingo-homah, of the records, bore the

name of Me-hah-ohs, who, together with her six children, resided in Newton county, Mississippi as late as the year 1844.

It does not appear from the evidence submitted by the applicants herein that Mingo Homer (or Hemo, or Hemah, or Captain Bob), through whom they claim, is the identical Captain Bob, alias, Min-go-he-nah, or Min-go-he-mah, whose name appears in the records above cited.

It is further found that the name Captain Bob appears on pages 54 and 103 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Nitachachoe's and Greenwood LeFlore's Districts in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty; and also on pages 129 and 136 of said record in a list of claims allowed under the treaty in Nitachachoe's and Greenwood LeFlore's Districts, apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

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 Mingo Homer (or Hemo, or Hemah,

or Captain Bob), or Francis Homer (or Homoh, or Homah), nee Murphy, 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 Oliver Sills, Lizzie Sills and Perry Sills, as Choctaw Indians entitled 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. Loring.

Chairman.

(SIGNED)

T. B. Neelies.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Starkey.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

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COMMISSION TO THE FIVE CIVILIZED TRIBES.

Samuel D. Smith

Chairman.

T. B. Nease

Commissioner.

C. R. Breckinridge

Commissioner.

W. E. Starke

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

Com'r No. 53277

COPY

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J.W.H

DEPARTMENT OF THE INTERIOR.
Washington.

RJE

I.T.D. 6296-1904,
15392-1905.

November 23, 1905.

L R S

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

Sir:

April 22, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for identification as Mississippi Choctaws of Oliver Sills, for himself and his minor children, Lizzie and Perry Sills. On March 15, 1904, the Commission decided adversely to the applicants upon the ground that the evidence submitted by them failed to show that the ancestor from whom they claimed descent, namely, Mingo Homer (Homoh or Homah), alias Captain Bob, was identical in person with the Min-ge-ho-mah, alias Captian Bob, who was a beneficiary under article 14 of the treaty of September 27, 1830.

Reporting in the matter August 5, 1904, the Indian Office recommended that the application of these persons be rejected, finding that it had not been conclusively established that they are descendants of Min-ge-ho-mah, the 14th article beneficiary, but basing its recommendation mainly upon the theory that persons descended from one whose ancestor was a slave in 1830, are not entitled to identification as Mississippi Choctaws.

This case was referred to the Assistant Attorney General for the Department, and in an opinion rendered by him November 17, 1905, approved the same day, he advised the Department as follows:

"As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, &c., Captain Bob, claimed with Mongo-ho-mah, &c., Captain Bob, of the records of the 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established."

Following this opinion, the decision of the Commission to the Five Civilized Tribes is hereby reversed, and you are directed to readjudicate the case according to the suggestion of the Assistant Attorney General, contained in said opinion.

Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony, you are authorized to grant a rehearing, provided application therefor be made to you showing the names and post-offices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations.

The record and papers relating to the case, with a copy of Indian Office letter of August 5, 1904, are inclosed.

There is also inclosed a copy of said opinion.

Respectfully,

THOS RYAN

First Assistant Secretary.

7 inclosures.

C O P Y

J.R.W.
W.C.P.
S.V.P.

(COPY).

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,

WASHINGTON,

November 17, 1905.

I.T.D.
6296-1904.

The Secretary of the Interior,

Sir:

I received by reference of June 30, 1905, with request for my opinion thereon, the record in the application of Oliver Sills for identification of himself and two minor children, Lizzie and Perry, as Mississippi Choctaws.

The claim of Oliver Sills, supported by considerable evidence, is that he is the son of Tom Sills, a negro slave, by Lydia Sills, also a slave, a full or three-quarter blood Choctaw Indian, daughter of Mingo-ho-mah, otherwise called Captain Bob, a full blood, Choctaw Indian chief, by Frances Murphy, of part or whole Choctaw blood, slave of Mr. Murphy. Both Mingo-ho-mah and Frances resided in Newton county, Mississippi, in 1830, where Lydia was born about 1820, and about 1840 was taken to Pike county, Georgia, as a slave by Friend Sills.

Mingo-ho-mah, otherwise called Captain Bob, is identified by records in the suit of Choctaw Nation v. United States, and by the records of the Indian Office as having lived on Sec. 26, T. 7 N., R. 13 E., in Newton county, Mississippi, and appearing before Colonel Ward and signifying intention to remain and take land under

Article XIV of the treaty of September 27, 1830, (7Stat., 333, 335). He claimed for himself, his wife Me-hah-che and six unmarried children, three of whom were over and three under ten years of age, all of whom are given Indian names, and no Lydia, of any other English name, appears among them; at least one of those over ten years old was a daughter, named Ah-took-lah-ho-ka. Captain Bob (Mingo-ho-mah) did not obtain land, but was awarded scrip for himself and family under the 14th article, and subsequent legislation thereto. The records of the Indian Office show that some of this scrip was delivered and some was subsequently funded and paid out, but the records do not show to whom. The Indian Office's memorandum in the case states that:

Many charges of fraud were made against J. H. Bowman in connection with his delivery of the scrip in behalf of these Choctaw, Indians, both by the Indians and by white men. There can be no question but that whether he himself was a party to the frauds or not, a great part of the scrip delivered by him was delivered to persons who were not entitled to it. In numerous instances scrip was delivered to parties as the representatives of persons claimed to have been deceased, when, as a matter of fact, the principals were actually alive, so that no reliance can be placed on the statements in his schedules as to whether the persons entitled to the scrip were alive or dead; as to whether the beneficiaries actually received the scrip, or whether some other persons impersonated them.

The Commission found that:

It does not appear from the evidence submitted by the applicants herein that Mingo Homer (hemah or Homah) or Captain Bob, through whom they claim, is the identical Captain Bob, alias Min-ge-ho-nah, or Mingo-ho-mah, whose name appears in the record above cited. . . . It does not

appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article 14 of the treaty of 1830 and to persons who were claimants thereunder, that the said Mingo Homer (or Homoh or Homah, or Captain Bob), or Francis Homer (or Homoh or Homah), nee Murphy, 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 14, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

The Indian names joined to Mingo -- viz:ho-ma; honah; ho-mah;ho-moh -- are all mere variants and substantially idem sonans. Homer is evidently not Indian, but a corrupt English form, as shown by its final letter. All are plainly mere variants arising from an attempt to set down in written English the sound of a name caught by the ear of a writer who could refer to no written standards, as the Choctaws had no written language. Identity of name implies identity of person. Stebbins v. Duncan, (108 U. S., 32, 47). But Mingo-ho-mah had also an English name, Captain Bob, which was not variant in its spelling, as the different writers had the written standard of the English language to prevent variants of spelling. Mingo-ho-mah was a signatory party to the treaty of 1830, 9th name, second column, (7 Stat., 338). It requires too great a stretch of imagination to suppose that more than one Indian having a name sounding like Homah, or Ho-nah, Ho-noh, or Hoo-mah (a chief or headman), Mingo, who had

come to be a man of distinction and known by the English name of Captain Bob, lived in the same locality in Newton county, Mississippi, at the same time. Presumptions must be reasonable and have a foundation of probability in ordinary human experience. Tested by this rule, the presumption of identity of person was so strong as, in absence of any proof of the contrary, to be conclusive. I am therefore of opinion that the Commission to the Five Civilized Tribes clearly erred in basing their judgment upon lack of proof of identity of Mingo Homer, &c., Captain Bob, under whom Sills claimed, with the Mingo-ho-mah, &c., Captain Bob, who was a successful and recognized claimant under Article XIV of the treaty of 1830, shown in the record. As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, &c., Captain Bob, claimed with Mingo-ho-mah, &c., Captain Bob, of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established.

As to the proof of descent I deem it not my province to form a judgment in first instance, There was evidence, apparently candid and creditable, of such descent, and also to the effect that it was not infrequent that free persons of Indian blood were sometimes sold and held in servitude as slaves.

Approved: November 17, 1905. Very respectfully,

E. A. Hitchcock,
Secretary.

Frank L. Campbell,
Assistant Attorney-General.

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land
28264-1904.

WASHINGTON,

August 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 22, 1904, transmitting the record of the application for identification as Mississippi Choctaws, under the Fourteenth Article of the treaty of Dancing Rabbit Creek, by Oliver Sills for himself and his two minor children, Lizzie and Perry.

March 15, 1904, the Commission decided adversely to the applicants upon the ground that no ancestor of the applicants is identified as a beneficiary under Article Fourteen of the treaty of Dancing Rabbit Creek or subsequent legislation thereunder.

The record shows that the principal applicant was born about 1840, and is the son of Tom Sills, a negro slave and Lydia Sills a slave of negro-indian blood; that Lydia Silla was the daughter of Mingo-homa, or Captain Bob, a Choctaw chief, and Frances, a negro-indian slave of ----- Murphy, and known as Frances Murphy from her master's name, and she was a slave at the date of the treaty of Dancing Rabbit Creek.

It is further shown by the record and the records of this office that Mingo-homa, or Captain Bob, was a beneficiary under the Fourteenth Article of the treaty of Dancing Rabbit Creek.

Notwithstanding the claim of the applicants of descent from Mingo-homa, a fourteenth article beneficiary, which claim has not been conclusively established, it is admitted by the applicants that Frances Murphy was a slave and that Lydia Sills, her daughter was in existence in 1830 and she too was a slave at that time.

No slaves were recognized as citizens of the Choctaw Nation in 1830, and therefore persons descended from a slave of 1830, cannot be accepted as entitled to identification as a Mississippi Choctaw, and especially so in this case in view of the doubt which arises as to the actual descent of the applicants from Mingo-homa.

It does not appear that any of the applicants have ever been recognized or enrolled as Choctaws by any tribunal.

In view of the evidence it is recommended that the application be rejected.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.

W.

3 encl.

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 Mt. Pleasant, Tex., Oct. 8th, 1906.

MUR-7285

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In the matter of the application for the identification of Oliver Hills, et al, for identification of Mississippi Choctaw.

In this additional proceeding, had at Court House at Mt. Pleasant, Texas, October 8th, 1906, for the purpose of securing additional testimony relative to the rejudication of the rights of the above applicant, in conformity with instructions contained in departmental letter of November 23rd, 1905 (I T D-6296-1904, 15392-1905).

Not it, this 8th day of October, 1906, this cause coming on to be heard, the following appearances were entered and proceedings had:

APPEARANCES-	J. D. Willson, witness. J. A. Hurley and W. R. Heath, Att'ys for applicant No appearances in behalf of Choctaw and Chickasha Nations.
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J. D. Willson being first duly sworn, testified as follows:

Examination by Commissioner:

- Q Please state your full name Mr. Willson?
 A John D Willson.
 Q What is your age?
 A Seventy-five past; 76 next March.
 Q And your Post Office Address?
 A Mt. Pleasant, Titus County, Texas.
 Q Are you acquainted with one Oliver Hills?
 A Not personally, only I saw him once.
 Q How long ago was it that you saw him?
 A It was in 1840, I believe.

- Q Where?
- A In Mississippi.
- Q In what part of Mississippi was he living at that time?
- A Newton County.
- Q Were you living there too?
- A No Sir.
- Q Were you there on a visit?
- A Yes sir, with my father and a man that my father was trading with a great deal - prospecting.
- Q What kind of a trade was he engaged in?
- A Well, he bought land sometimes, negroes, etc.

Examination by J. A. Hurley:

- Q How come you to go to Newton County, Mississippi; state the circumstances in which you went?
- A I was with my father and this man Johnson.
- Q What was your father and Johnson doing on that trip?
- A They were prospecting land and trading of any kind they could get up to make money out of.
- Q Where did your father live at that time?
- A He lived in Georgia.
- Q How far from the Alabama Line?
- A About 12 or 15 miles from east line of Alabama.
- Q What year did you say it was that you went with your father and this man Johnson into Mississippi?
- A It was in 1840.
- Q How did you make that trip?
- A We went in wagons - carried cotton to Montgomery and then went on into Mississippi.
- Q Did your father transact any business on that trip?
- A None particular, only in my father's property - father depended on Johnson's judgement in trades and he told him he was to consider in anything he could make beneficial.
- Q Where was your father's property located; in what state?
- A It was in Alabama.
- Q You say he sold that on that trip?
- A Yes sir.
- Q Was your father a slave owner at that time?
- A Yes sir.
- Q How many slaves did he own?
- A Between 25 and 30.
- Q How come your father and Johnson to go to Newton County Mississippi?
- A They were prospecting land, trading for negroes and anything they could make money out of. When we got to Newton County we took a halt and camped and rested a while.
- Q Did you meet a man there by the name of Sills?
- A Yes sir, my father did and I was with him and Johnson.
- Q What was Sills doing there?
- A I think he was a trader there with some slaves, buying and selling out to go - I think he was thinking about moving from there and finally did move.

Q Do you know what his given name was?

A No Sir, I do not - I thought it a very simple name.

Q Do you know whether or not Sills bought any negroes while you were - any slaves while you were there?

A I think he bought several while we were there.

Q Did your father buy any slaves?

A Father told Johnson he didnt like the negroes because they had Indian blood in them, and he didn't want negroes with Indian blood in them.

Q What did Johnson say about it?

A He told father if they didn't suit he wouldn't advise him to buy.

Q Do you know who was the owner, or claimed to be the owner of these parties that were sold to Sills?

A A man by the name of Murphy.

Q Do you know how many slaves he sold to Sills?

A I do not - I think there was a woman and some children - four or five I think in all. The Indian claimed some of the children that were being sold.

Q Who was the Indian, if you know?

A Mingo-Homah.

Q Did you hear Mingo-Homah say anything about the slaves being his children, or any part of them?

A No Sir, he seemed to be taking on a little about them; one of them especially - one of the children.

Q Do you know whether Mingo-Homah was an Indian or not?

A He looked like one; and they say he was one and I think he was called a Chief and Captain Ball I think was another name they called him by, in fact I know it was.

Q Do you know the names of the slaves that were sold?

A I don't remember; I don't.

Q That he claimed to be his children?

A I don't know the names. The one he seemed to be troubled about was a girl about green.

Q Did you see that girl?

A Yes sir.

Q Did she appear to be an Indian, or what race?

A She had the appearance of a Choctaw Indian.

Q Do you know whether she had any children at that time or not?

A I don't know - I think there were two they claimed - I don't know what their names were.

Q Do you know what became of that girl?

A Yes sir, I think Murphy sold her to this man Sills.

Q You stated just now that you knew Oliver Sills.

A I saw him once, I don't personally know him.

Q Do you mean by that, that you are speaking of this man Sills that bought the girl?

A Yes sir?

Q Do you know whether his name was Oliver or not?

A No sir, just called him Sills.

Q Well, now, Oliver Sills is the claimant in this case and resides in Camp County Texas; do you know him?

- A I don't know him.
- Q Have you ever seen him to know him? A No Sir, I havent never seen him to know him.
- Q Do you know whether the children of this girl that you say was sold to Sills in 1840 were boys or girls? A I couldn't say whether they were boys or girls.
- Q Did you make any other trip with your father?
- A No sir, not over there.
- Q During your residence in Georgia do you know of any full-blued Indians that were slaves in your neighborhood?
- A There were several around there - there was one on old man Wm. J. Sterling's farm.
- Q You say you rastled with him once - what became of this Indian?
- A Idenot know what ever became of him.
- Q Do you know of any other?
- A Not around there p there was one in Alabama on father's place that was living on it at that time and bought it. Father went there on that plantation several times and made a crop and took us boys with him.
- Q Do you know what become of this one?
- A While we were over there one time this Indian and this man's boys fell out and the Indian that night went off and I never saw him any more or heard of him. We go through with our work over there and went home.
- Q On that trip, this trading expedition you state was in 1840, did your father buy any slaves?
- A No sir, he didn't buy any.
- Q Did he buy any on his return home?
- A No sir, he bought some after he got there that were sent down from Virginia - negro slaves.
- Q When did you move to Texas?
- A In 1854.
- Q Where have you since resided? A In Titus County, Texas.
- A You are a man of a family are you not? A Yes sir.
- Q Where does your children live?
- A There are two of them here in the Hardware business and the other one stays here; my daughter lives here too.
- Q What is her husband's name, and what business is he in?
- A He is Editor of the "Eagle", Blythe is his name, W. K. Blythe.

Examination by the Commissioner:

- Q Mr. Willson, do you remember in what part of Newton County you were in when you went there on this trip?
- A No sir, I don't remember - about the center in the bottom low swampy country.
- Q Do you remember the name of the nearest town from where you were camped?
- A No sir, I dont remember any town.

- Q Were you camped on any creek?
A I don't remember the name of any particular creek. There was water around close to where we camped, of course we had to keep where we could get water.
- Q Do you remember the name of any important families around there; did you get acquainted with any of them?
A No sir, we were living our and never made any inquiries about the families or the people in the country.
- Q You did see an Indian, I believe you stated?
A Yes sir.
- Q Can you remember now what his appearance was?
A He was a low, heavy set man, I suppose 5-1/2 feet high more or less; I didn't measure - about my height.
- Q What about his complexion?
A He was red, Choctaw color.
- Q Do you know how many children he had then?
A No sir, don't know how many children he had. I was a little dubious of Indians from what I had heard, and from inquiries and what I already knew about them in our country. and around there.
- Q You testified awhile ago that you saw this Lidia who was said to be a child of his? A Yes sir, I saw her.
- Q Did you ever see her after you saw her in Newton County, Miss.?
A No Sir.
- Q And you say you are not personally acquainted with Oliver Sills, who resides at or near Pittsburg, Texas?
A No sir, I am not personally with him.
- Q Were you present in Newton County Mississippi when this Lidia was purchased by Mr. Sills, this slave trader?
A Yes, he was trying to buy them and said he did buy them - my father said he bought them. I was young and small and don't remember anything about this transaction.
- Q Do you about this girl, this Lidia?
A No sir.
- Q Did you see Lidia Moore there?
A I saw one woman there - don't know what her name was.
- Q And you never saw Lidia after that?
A No sir.

Statement by J. A. Hurley:

We have no further testimony to contour in behalf of the Claimant and announce that we will close the testimony.

By Mr. Hurley:

I also desire to let the record show that Oliver Sills, through his attorneys, has made an effort to locate his sister, Virginia Sills, but has not been able to get any trace of her.

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

-----00-----

Muskogee, Indian Territory, March 1, 1907.
11:30 o'clock P. M.

-----00-----

In the matter of the proof of removal to and settlement within the Chectaw-Chickasaw country, Indian Territory, of Oliver Sills, Lizzie Sills and Perry Sills, identified Mississippi Chectaws, card No. 913, schedule Nos. 2524, 2525 and 2526, respectively.

OLIVER SILLS, being first duly sworn by A. W. Fite, Jr., testified as follows:

By the Commissioner.

- Q What is your name ? A Oliver Sills.
 Q How old are you ? A About 70 years old.
 Q What is your post office address ? A Garvin, I. T.
 Q Are you the Oliver Sills who was identified by the Commissioner to the Five Civilized Tribes on January 2, 1907 ? A Yes sir.
 Q What was your father's name ? A I have forgotten my father's name.
 Q Was his name Tom Sills ? A My mother's name Little, but she died before I got any size.
 Q You don't know your father's name ? A No sir, I have forgotten; I was quite young you know.
 Q Are you married ? A Yes sir.
 Q Is your wife living ? A Yes sir, I have been married before the Civil War commenced.
 Q What is your wife's name ? A Harriet.
 Q Have you any children ? A Yes sir.
 Q How I want you to start with the oldest and give me their names and ages? A I got their ages down; I have got so many I cannot think of it; the oldest is named Alice Ivey.
 Q Is she married ? A Yes sir.
 Q What is her last name ? A She goes by Alice Ivey.
 Q Where does she live ? A She lives at Findley Switch about 20 or 30 miles from me.
 Q In what State ? A Bowie County, state of Texas.
 Q What is the next child's name ? A Mary.
 Q Is she married ? A Yes sir.
 Q What is her name now ? A Mary Johnson.
 Q Where does she live ? A She lives close to Naples.
 Q State of Texas ? A Yes sir, Naples, Texas.
 Q What is the next child's name ? A Next one is Catherine Ivey; she married Ben Ivey.
 Q What is her post office address ? A Pittsburg, Texas.
 Q What is the next child's name ? A Lizzie.
 Q How old is she ? A She is three years old since I put in her, so now.
 Q Does she live with you ? A About a mile from me.
 Q With whom does she live ? A Harriet Ivey.
 Q Is she married ? A Yes sir.

- Q What is her post office address ? A Her post office down on the switch, got these here little traveling boxes, on the Cotton Belt.
- Q Would her town address be Pittsburg, Texas ? A Yes sir.
- Q How old is she ? A 35 years old.
- Q What is the next child's name ? A Thomas.
- Q How old is he ? A Born in '74.
- Q Does he live with you ? A No sir, he live down toward Texarkana.
- Q Will the town of Texarkana be his post office address ? A Yes sir, that is where I write to him.
- Q Your letters reach him at Texarkana, Arkansas ? A Yes sir.
- Q What is the next child's name ? A Daniel.
- Q How old is he ? A Two years younger than Thomas.
- Q Is he married ? A No sir, I don't think he is married now.
- Q What is his post office address ? A He just works about on the train cleaning up engines.
- Q Where does he make his home ? A Where might overtake him. He comes up to Pittsburg to see me and his mother.
- Q Where does he get his mail ? A Texarkana.
- Q When you went to write to him did you direct your letter to Texarkana ? A Yes sir.
- Q What is the next child's name ? A Four girls and two boys, I have done forgotten the names.
- Q Didn't you testify once that you had seven children ? A I got seven living.
- Q You have not named any that are dead ? A No sir.
- Q What is the next child living ? A I have got all the seven now.
- Q Have you another son ? A Just two Dan and Tom, Mary, Alice and Lizzie.
- Q Was either Daniel or Thomas ever known by the name of Perry ? A Perry is my youngest boy.
- Q How old is he ? A He is now about 22.
- Q What is his post office address ? A The same one my is.
- Q Is he married ? A No sir.
- Q Does he make his home with you ? A Yes sir, live with me all the time; he is not bright.
- Q Are these children all by the same wife ? A Same wife.

The names of Oliver Sills and his two children, Lizzie and Perry Sills, appear on identified Mississippi Choctaw card No. 913, schedules numbers 2524, 2525 and 2526, respectively.

It further appears that they were identified as Mississippi Choctaws on January 2, 1907.

- Q When did you remove to the Choctaw-Chickasaw country, Oliver ? A Well I aint moved up there yet; just traveling up there on a visit.
- Q Is it your intention to make your home in the Choctaw-Chickasaw country, Indian Territory ? A That is my business here to-night, Boss; that is my business. I am going on it and settle on it and die on it.
- Q You have been living in Pittsburg, Texas ? A Yes sir.
- Q Do you own any property there ? A Not only some cows, hogs and a little piece of land.
- Q Do you intend to make your home in the Choctaw-Chickasaw country ? A Yes sir.
- Q When do you intend to go about doing it ? A Just as quick as I can make it through. You know I have to build something to live in you know.
- Q Do you intend to go to Garvin and immediately commence the building of a home ? A Yes sir, right where the land is found for me I am going to build on it.

- Q What children will you bring with you ? A I would like to bring them all with me to take care of me - I am getting pretty old in age.
- Q You don't know whether you can bring them all or not, whether they will come ? A If they don't I will have to come myself.
- Q What children can you bring ? A I can bring Perry, Lizzie and Catherine.
- Q Do you intend to bring Perry and Lizzie ? A Yes sir.
- Q You intend to make their home at Garvin, Indian Territory, with you ? A Yes sir.
- Q You intend to dispose of your property in Pittsburg, Texas ? A I will turn it loose I guess.
- Q You intend to sell it, do you ? A Yes sir.
- Q You do not intend to live in Texas any more ? A No sir, just as soon as I can sell.
- Q How long have you been in the Indian Territory ? A I have been here a good while.
- Q How many days ? A We started away from yonder last Friday; been down there looking at it a good while.
- Q No one came up here with you from Texas, any of your family ? A No sir.
- Q Did you bring anyone with you when you came from Texas ? A No, sir, just brought myself.
- Q You say you came here about a week ago to-day ? A Yes sir, came on Saturday.
- Q It was last Saturday, was it ? A Yes sir.
- Q Where have you been since that time ? A I have been there not far from the place.
- Q From what place ? A Let me see - I expect just about 20 miles from this place called Haywerth, but the place I have my post office will be Garvin.
- Q Have you been to Garvin yet ? A Yes sir, I have been there yesterday.
- Q Why didn't you come up before, Oliver ? Didn't you get a notice from us sometime ago ? A I come just as soon as I get notice.
- Q Didn't you get a notice quite awhile ago ? A No sir, I got this - - I thought I would get through with it and we got a notice here first part of last week, and just as quick as I got the notice I got Mr. Heath to come with me.
- Q Was that the first time you got a notice ? A Yes sir. I didn't have the money to come and I just come right up out the field.
- Q Who brought you over this time ? A Mr. Heath brought me over.
- Q Does he live down there in Pittsburg ? A Yes sir.
- Q Has Alice got any children ? A Yes sir, I think she has got close to ten.
- Q All living ? A She got ten living; I know it. I got a small regiment of grand children.
- Q Can you give the names of Alice's children ? A Not well. I can give my own children, but when it comes to my grandchildren it is hard to do it.
- Q You would not like to give them now ? A Yes sir, I would like to give them now; I had them put down before I left home - - -
- Q Give us the names of Alice's children in order if you can; if you cannot, give them the best way you can ? A She got one named James - It is might hard for me to think of the children. She got one named Tommie, ~~Thomas~~ Lema; I cannot think of the other.
- Q Do they all live with her ? A Yes sir, all but one; he is off working on the railroad.
- Q What is his name ? A James is the one working on the road now.
- Q James, Tommie and Lema are the only ones that you can call now, are they ? A Yes sir.
- Q Has Mary Johnson got any children ? A Yes sir.
- Q Can you give their names ? A It is hard work for me to do that

- new; heap of times I cannot think of my own.
- Q How many children has Mary got living at the present time ?
A 5 or 6, I think.
- Q Think and see whether you can give the names of any of them ?
A I am afraid I would not give them right; I want to give them right.
- Q Do not give them unless you are sure of them, but if you are sure of them give us their names ? A She got one girl named Calidonia, and the other I cannot think of. She got two others about as high as I am.
- Q Is that the best you can do now with Mary's children, you think ? A They been off three years and I cannot think of them.
- Q Has Catherine Ivey got any children ? A Yes sir, she got a small regiment.
- Q How many has she got ? A She got ten or 11.
- Q Can you name any of Catherine's children ? A No sir, I would just as soon have one of my teeth drawn out as to try to give their names. Catherine got a child named McNeely, and another named Hard, another girl named Lizzie.
- Q Has your daughter, Lizzie, got any children ? A She got one child.
- Q What is its name, do you know ? A Hard, and she got one baby.
- Q Has she got two children ? A Yes sir.
- Q What is the baby's name ? A I don't know, Sir.
- Q She has got one named Hard, though, has she ? A Yes sir.
- Q Has Thomas, your boy Thomas, got any children ? A Yes sir, he has got some children but he has quit his wife. I don't know what you would do about them.
- Q Do you know the names of the children ? A No sir; he has got one child named Lemon.
- Q Do you know the names of the rest of them ? A No sir.
- Q Has Daniel got any children ? A Yes sir, he has got one out here at Mt. Pleasant, a boy.
- Q He has got one boy ? A Yes sir.
- Q What is his name ? A I don't know.
- Q He lives at Mt. Pleasant, Texas ? A Yes sir.
- Q Has Perry got any children ? A No sir, he is not old enough to have any children.
- Q Now your children, Alice, Mary, Catherine, Lizzie, Thomas, Daniel and Perry, are all living at the present time ? A Yes sir.
- Q All living in the State of Texas ? A Yes sir.
- Q And all of them are married, or have left you, taking care of themselves ? A All but my boy Perry, he stay with me and his mother.
- Q You left Perry and your wife down at Pittsburg when you came away ? A Yes sir.
- Q Are you going back to Pittsburg when you leave here ? A Yes sir.
- Q How long do you expect to stay ? A It takes money to travel back and forward. If I had met met Mr. Heath I would not have been here to-night.
- Q Well after you go back to Pittsburg what do you expect to do ?
A Well, if necessary, it would be best to get their names and get them right.
- Q Then what are you going to do ? A Bring them here and let you look at them yourself.
- Q After you go back to Pittsburg what do you intend to do yourself; are you going to stay down there ? A Well, I don't know, Sir. This year I had a good piece of ground I had leased, and I thought if I could I would like to carry it out. This my last lease of 1907; time will be out this year.

- Q You have got a lease for all this year, have you ? A Yes sir.
Q How much land have you got under lease ? A Five acres. I want
to make enough off of it to come up here.
Q Do you cultivate it ? A Yes sir.
Q You expect, then, to go back there and cultivate that land
until you can get a little money to come back here ? A That
is what I want to do.
Q Now, Oliver, do you intend to come back here to the Territory
just as soon as you can and make this your future home, live
here and die here ? A That is my aim to-night. That is the
reason I came by Garvin to try and see about it. You see I
am getting old; while I was getting old and feeble I thought I
would get my children and put them on land.

Witness excused.

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R. H. HEATH, being first duly sworn by A. W. Fite,
Jr., testified as follows:

By the Commissioner.

- Q What is your name ? A R. H. Heath.
Q How old are you ? A 46 years old.
Q What is your post office address ? A Pittsburg, Texas.
Q What is your occupation ? A Peach grower.
Q Are you acquainted with the applicant, Oliver Sills ? A I have
known him all my life.
Q Are you acquainted with any of his children ? A Yes sir; I
don't know those grown boys he has mentioned in here that
live away, but I know all of the girls.
Q You have heard his testimony; what daughters of Oliver Sills
do you know ? A Four of them: Alice, Catherine, Lizzie and
Mary. I know the husbands of them; they married three Ivey
boys.
Q Do you know how many children Alice Ivey has ? A (The wit-
ness refers to a paper upon which are the names of several
grand children of the said Oliver Sills, as stated by their
mothers in his presence and hearing, and at said time and
under said conditions reduced to writing).
Q Refreshing your memory, Mr. Heath, what are the names of the
children commencing with the oldest, if you can, of Alice
Ivey ? A Levi Gingles, 25 years old; James Sills, 23 years
old; Louis, Sam, Thomas, Lillie and Joseph.
Q Do you know of any one of the children that you have named
as going by the name of Leman ? A Some of them in this
crowd have the name of Leman.
Q Is it one of the children of Alice ? A It appears that it
is one of the children of Catherine.
Q By the same reference will you name the children of Mary
Johnson, commencing with the oldest, and give their ages ?
A Pearlina, 9; Willie, 7; John William, 20; Calidonia, 16;
Gerrine, 14; and A. D., 12, and a child not named 1/2 years
old; I remember that instance.
Q What are the names and ages of the children of Catherine, if
you know ? A Lizzie, Mabel, Harb, Quinnie, Bertha, Fanny
D., Annie, Leman, Flemings and Brucilla.
Q State, if you know, the names and ages of the children of
Lizzie Ivey ? A Lizzie Ivey has only one infant that I remember
of, possibly two. She only has one and that was an infant, I
think, two months old.

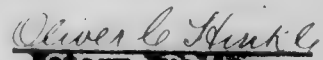
- Q Do you know its name ? A I don't know what it is. It may be something over a year old, possibly less than that.
- Q You state that the paper to which you have referred and to which you have refreshed your mind was made in your presence, and that the names as placed thereupon were given by the respective mothers of the children ? A Yes sir; in my presence.
- Q And within your hearing ? A Yes sir; before a notary public.
- Q Are these children of Oliver Sills living with their husbands at this time ? A The girls are, but I don't know anything about the boys.
- Q ~~Am~~ I only ask you about the girls ? A Yes sir, they are looking to their husbands for support.
- Q They are not dependent upon their father, Oliver Sills, for support ? A No sir.
- Q Since Lizzie married she has been living separate and apart from her father's household ? A Yes sir.
- Q Do you know Perry Sills ? A Yes sir.
- Q He is under the care and custody of his father ? A Yes sir.
- Q Do you know Daniel Sills ? A No sir.
- Q Do you know Thomas Sills ? A No sir.

Witness excused.

Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, on oath states that he recorded the testimony and proceedings had in this cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this the 2nd day of March, 1907.



Notary Public.

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Mt. Pleasant, Tex., Oct. 8th, 1906.

MUR-7286

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In the matter of the application for the identification of Oliver Sills, et al, for identification of Mississippi Choctaw.

In this additional proceeding, had at Court House at Mt. Pleasant, Texas, October 8th, 1906, for the purpose of securing additional testimony relative to the rejudication of the rights of the above applicant, in conformity with instructions contained in departmental letter of November 23rd, 1905 (I T D-6296-1904, 15392-1905).

Not it, this 8th day of October, 1906, this cause coming on to be heard, the following appearances were entered and proceedings had:

APPEARANCES- J. D Willson, witness.
J. A. Hurley and
W. R. Heath, Att'ys for applicant
No appearances in behalf of Choctaw
and Chickasha Nations.

J. D. Willson being first duly sworn, testified as follows:

Examination by Commissioner:

- Q Please state your full name Mr. Willson?
A John D Willson.
Q What is your age?
A Seventy-five past; 76 next March.
Q And your Post Office Address?
A Mt. Pleasant, Titus County, Texas.
Q Are you acquainted with one Oliver Sills?
A Not personally, only I saw him once.
Q How long ago was it that you saw him?
A It was in 1840, I believe.

Q Where?

A In Mississippi.

Q In what part of Mississippi was he living at that time?

A Newton County.

Q Were you living there too?

A No Sir.

Q Were you there on a visit?

A Yes sir, with my father and a man that my father was trading with a great deal - prospecting.

Q What kind of a trade was he engaged in?

A Well, he bought land sometimes, negroes, etc.

Examination by J. A. Hurley:

Q How come you to go to Newton County, Mississippi; state the circumstances in which you went?

A I was with my father and this man Johnson.

Q What was your father and Johnson doing on that trip?

A They were prospecting land and trading of any kind they could get up to make money out of.

Q Where did your father live at that time?

A He lived in Georgia.

Q How far from the Alabama Line?

A About 12 or 15 miles from east line of Alabama.

Q What year did you say it was that you went with your father and this man Johnson into Mississippi?

A It was in 1840.

Q How did you make that trip?

A We went in wagons - carried cotton to Montgomery and then went on into Mississippi.

Q Did your father transact any business on that trip?

A None particular, only in my father's property - father depended on Johnson's judgement in trades and he told him he was to consider in anything he could make beneficial.

Q Where was your father's property located; in what state?

A It was in Alabama.

Q You say he sold that on that trip?

A Yes sir.

Q Was your father a slave owner at that time?

A Yes sir.

Q How many slaves did he own?

A Between 25 and 30.

Q How come your father and Johnson to go to Newton County Mississippi?

A They were prospecting land, trading for negroes and anything they could make money out of. When we got to Newton County we took a halt and camped and rested a while.

Q Did you meet a man there by the name of Sills?

A Yes sir, my father did and I was with him and Johnson.

Q What was Sills doing there?

A I think he was a trader there with some slaves, buying and selling out to go - I think he was thinking about moving from there and finally did move.

#3.

Q Do you know what his given name was?

A No Sir, I do not - I thought it a very simple name.

Q Do you know whether or not Sills bought any negroes while you were any slaves while you were there?

A I think he bought several while we were there.

Q Did your father buy any slaves?

A Father told Johnson he didn't like the negroes because they had Indian blood in them, and he didn't want negroes with Indian blood in them.

Q What did Johnson say about it?

A He told father if they didn't suit he wouldn't advise him to buy.

Q Do you know who was the owner, or claimed to be the owner of these parties that were sold to Sills?

A A man by the name of Murphy.

Q Do you know how many slaves he sold to Sills?

A I do not - I think there was a woman and some children - four or five I think in all. The Indian claimed some of the children that were being sold.

Q Who was the Indian, if you know?

A Mingo-Homah.

Q Did you hear Mingo-Homah say anything about the slaves being his children, or any part of them?

A No Sir, he seemed to be taking on a little about them; one of them especially - one of the children.

Q Do you know whether Mingo-Homah was an Indian or not?

A He looked like one; and they say he was one and I think he was called a Chief and Captain Ball I think was another name they called him by, in fact I know it was.

Q Do you know the names of the slaves that were sold?

A I don't remember; I don't.

Q That he claimed to be his children?

A I don't know the names. The one he seemed to be troubled about was a girl about green.

Q Did you see that girl?

A Yes sir.

Q Did she appear to be an Indian, or what race?

A She had the appearance of a Choctaw Indian.

Q Do you know whether she had any children at that time or not?

A I don't know - I think there were two they claimed - I don't know what their names were.

Q Do you know what become of that girl?

A Yes sir, I think Murphy sold her to this man Sills.

Q You stated just now that you knew Oliver Sills.

A I saw him once, I don't personally know him.

Q Do you mean by that, that you are speaking of this man Sills that bought the girl?

A Yes sir?

Q Do you know whether his name was Oliver or not?

A No sir, just called him Sills.

Q Well, now, Oliver Sills is the claimant in this case and resides in

Camp County Texas; do you know him?

- 4.
- A I don't know him.
- Q Have you ever seen him to know him? A No Sir, I havent never seen him to know him.
- Q Do you know whether the children of this girl that you say was sold to Sills in 1840 were boys or girls? A I couldn't say whether they were boys or girls.
- Q Did you make any other trip with your father?
- A No sir, not over there.
- Q During your residence in Georgia do you know of any full-blud Indians that were slaves in your neighborhood?
- A There were several around there - there was one on old man Wm. J. Sterling's farm.
- Q You say you rastled with him ones - what became of this Indian?
- A Idenot know what ever became of him.
- Q Do you know of any other?
- A Not around there p there was one in Alabama on father's place that was living on it at that time and bought it. Father went there on that plantation several times and made a crop and took us boys with him.
- Q Do you know what become of this one?
- A While we were over there one time this Indian and this man's boys fell out and the Indian that night went off and I never saw him any more or heard of him. We go through with our work over there and went home.
- Q On that trip, this trading expedition you state was in 1840, did your father buy any slaves?
- A No sir, he didn't buy any.
- Q Did he buy any on his return home?
- A No sir, he bought some after he got there that were sent down from Virginia - negro slaves.
- Q When did you move to Texas?
- A In 1854.
- Q Where have you since resided? A In Titus County, Texas.
- A You are a man of a family are you not? A Yes sir.
- Q Where does your children live?
- A There are two of them here in the Hardware business and the other one stays here; my daughter lives here too.
- Q What is her husband's name, and what business is he in?
- A He is Editor of the "Eagle", Blythe is his name, W. E. Blythe.

Examination by the Commissioner:

- Q Mr. Willson, do you remember in what part of Newton County you were in when you went there on this trip?
- A No sir, I don't remember - about the center in the bottom low swampy country.
- Q Do you remember the name of the nearest town from where you were camped?
- A No sir, I dent remember any town.

- Q Were you camped on any creek?
 A I don't remember the name of any particular creek. There was water around close to where we camped, of course we had to keep where we could get water.
- Q Do you remember the name of any important families around there; did you get acquainted with any of them?
 A No sir, we were living our and never made any inquiries about the families or the people in the country.
- Q You did see an Indian, I believe you stated?
 A Yes sir.
- Q Can you remember now what his appearance was?
 A He was a low, heavy set man, I suppose 5-1/2 feet high more or less; I didn't measure - about my height.
- Q What about his complexion?
 A He was red, Chocataw color.
- Q Do you know how many children he had then?
 A No sir, don't know how many children he had. I was a little julous of Indians from what I had heard, and from inquiries and what I already knew about them in our country. and around there.
- Q You testified awhile ago that you saw this Lidia who was said to be a child of his? A Yes sir, I saw her.
- Q Did you ever see her after you saw her in Newton County, Miss.?
 A No Sir.
- Q And you say you are not personally acquainted with Oliver Sills, who resides at or near Pittsburg, Texas?
 A No sir, I am not personally with him.
- Q Were you present in Newton County Mississippi when this Lidia was purchased by Mr. Sills, this slave trader?
 A Yes, he was trying to buy them and said he did buy them - my father said he bought them. I was young and small and don't remember anything about this transaction.
- Q Do you about this girl, this Lidia?
 A No sir.
- Q Did you see Lidia Moore there?
 A Isaw one woman there - don't know what her name was.
- Q And you never saw Lidia after that?
 A Nosir.

Statement by J. A. Hurley:

We have no further testimony to contour in behalf of the Claimant and announce that we will close the testimony.

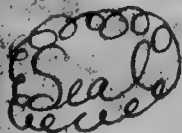
By Mr. Hurley:

I also desire to let the record show that Oliver Sills, through his attorneys, has made an effort to locate his sister, Virginia Sills, but has not been able to get any trace of her.

Guy H. Webber being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported proceedings had in the above entitled cause on the 8th day of August, 1906, and that the foregoing is a true and correct transcript of his stenographic note thereof.

(Signed) Guy H. Webber

Subscribed and sworn before me this 18th day of October, 1906.



P. B. Branch
County Clerk
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, March 4, 1907.

In the matter of the proof of removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Lizzie Sills, Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills, identified Mississippi Choctaws.

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~~CATHERINE~~ IVEY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Catherine.
Q Catherine what? A Ivey.
Q How old are you? A I am about thirty-six, close as I can come at it.
Q Did you appear here to-day for the purpose of making proof of settlement of your removal to the Choctaw-Chickasaw country?
A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Ben Ivey.
Q Where is he to-day? A He is at home.
Q At what place? A Pittsburg.
Q Pittsburg, Texas? A Yes sir.
Q You are living with him now, are you, as husband and wife?
A Yes sir.
Q And still residing in Texas? A Yes sir.
Q Have you got a farm down there? A No sir.
Q Did you bring your household effects with you? A No sir.
Q Didn't bring anything? A No more than my baby and a few clothes.
Q So all your possessions are in the State of Texas? A No sir.
Q What have you got here? A Oh, I aint got nothing here; just my baby here to-day with me; I didn't bring anything with my but my baby and my clothes.
Q All your property is in the State of Texas is it not? A Yes sir, what little I have got.
Q What is your husband doing in Texas for a living? A He is working.
Q Farming? A He was railroading this last year; he is going to start farming this year.
Q Has he got a lease on a farm? A Well, he is working a white man's place; I don't know whether he has a lease or not, but he is working for half.
Q Has he started to till the soil? A Yes sir.
Q Getting ready to put in a crop? A Yes sir.
Q Wehn you go from here to-day, are you going back to Pittsburg, Texas? A Yes sir, if the train den't leave me.

- Q When did you come to the Indian Territory; this morning?
A Yes sir.
- Q Is it your intention to make your home in the Choctaw-Chickasaw country? A Yes sir, where my father makes his home.
- Q What is your husband going to do with the crop he has got down there in Texas then? A Well, he is going to work it I guess.
- Q You are going to stay down there with him while he works it?
A Yes sir, I am going to stay with him while he works it.
- Q You are not able to state then when you will be able to move to the Indian Territory? A Well, any time that he comes up here I will come too.
- Q Your husband is not here to-day is he? A No sir, he aint here.
- Q what property does your husband own down there in Texas?
A Not anything but a few hogs and two mules.
- Q As yet you have not disposed of any of your possessions in the State of Texas, have you? A No sir.
- Q How many children have you got, Catherine? A Eleven.
- Q What are their names beginning with the oldest one? A The oldest one named Lizzie.
- Q How old is Lizzie? A Well, I can't exactly tell you; I don't know much about the ages; my husband will have to tell you about the ages.
- Q Do you know what year she was born? A Lizzie, she was born in April.
- Q What year? A I don't know sir.
- Q How long have you been married? A I been married near on to twenty-six yeats, as near as I can come at it.
- Q Been married a year or two when your first child was born?
A I don't know sir how long; I guess I was married about a year; I was; I was married about a year.
- Q Then she was born in '82; she is a grown girl isn't she?
A Yes sir, she is close to twenty years old.
- Q If she was born about 1882, she is older than that?
A Well, I can't figure anything about that, but she was born in April.

There is offered in evidence a copy of a certificate of marriage showing the marriage of Catherine Sills to Ben Ivey. This certificate shows that said marriage was performed on September 12, 1883.

- Q Well, then Lizzie was born about '84; she would be about twenty-three years old at this time? A That girl of mine?
- Q This girl Lizzie? A I don't know anything about her age only what month she was born in.
- Q What is the name of the next one? A McNeely.
- Q Boy or girl? A Boy.
- Q How much older is Lizzie than McNeely? A Well, I just can't tell you that.
- Q Well, a year or two years? A Well, she is about a year elder.
- Q A year older than McNeely? A Yes sir, as close as I can come at it.
- Q Now, what is the name of the next child? A Hardy.
- Q Is that abey? A Yes sir.
- Q Well, how much difference is there in the ages of Hardy and McNeely? A Well, I don't know, sir.
- Q A year or two years? A I guess there is about two years; my husband knows more about that ages than I do.

- Q What is the next one after Hardy? A Malissy.
- Q That is a girl isn't it? A Yes sir.
- Q Well, how much difference is there between the ages of Hardy and Malissa? A Well, about a year as near as I can come at it.
- Q What is the name of the next one? A Annie.
- Q How much younger is Annie than Malissa? A A year.
- Q What is the name of the next one? A Silla.
- Q Is that a girl? A Yes sir.
- Q How much younger is Silla than Annie? A A year as near as I can come at it.
- Q What is the name of the next child? A Quinnie.
- Q Is that a boy or girl? A Boy.
- Q How much younger is Quinnie than Silla? A About a year.
- Q What is the name of the next one? A Lemon.
- Q Is that a boy? A Yes sir, that is a boy.
- Q How much younger is Lemon than Quinnie? A A year.
- Q What is the name of the next one? A Bertha.
- Q Well, how much younger is Bertha than Lemon? A A year.
- Q What is the next one after Bertha? A Flemmen.
- Q Boy or girl? A Boy.
- Q Well, how much younger is Flemmen than Bertha? A About a year.
- Q What is the name of last child? A Plummadsø.
- Q Is that a boy or girl? A Boy.
- Q How old is Plummadsø? A He is eight months old.
- Q What is the date of his birth? A He was born on the 10th day of June.
- Q Last year? A Yes sir.
- Q 1906? A Yes sir.
- Q Now, is Flemmen as much as twelve years older than this child that you have there in your arms? A Well, he is next to this one.
- Q Is he as much as twelve years older than the baby there?
A No sir.
- Q Well, according to your figures he would be about twelve years older than this child? A Well, I am giving them the best I can.
- Q How old is Flemmen? A Well, he is about two years old, going on three.
- Q So Flemmen if only between two and three years old? A Yes sir, the one next to baby here, going on three.
- Q Well, how big a girl is Bertha? A She is about that tall (indicating distance from floor).
- Q She is only about five or six years old? A She is about five as near as I can come at it.
- Q Bertha is about five? A Yes sir, as near as I can come at it; I don't know much about the ages.
- Q Well, how big a boy is Lemon? A Well, he is along about that tall (indicating).
- Q About ten years old? A No sir, he aint ten years old.
- Q Eight? A I expect so.
- Q How old is Quinnie? A Quinnie, he is about--- Well, I don't know about my children's age.
- Q Well, how large a boy is he? A He is about that tall (indicating from floor).
- Q About ten years old? A Probably; I don't know anything about the ages; my husband keeps the ages.
- Q How big a girl is Silla? A Silla, she is about along there (indicating height).

- Q About twelve? A No sir, she aint twelve.
- Q About eleven? A She is along in there somewhere, but I don't know anything at all about the ages.
- Q How big a girl is Annie? A Sunnie she is pretty good size, along about here (indicating height from floor).
- Q About thirteen? A About twelve.
- Q Malissa? A Malissy is about between fourteen and fifteen as near as I can come at it.
- Q And Hardy, how old is he? A Hardy is in his fifteen.
- Q Past fifteen? A Yes sir.
- Q Sixteen? A Well, as near as I can come at it he is.
- Q How about McNeely? A McNeely is along about in eighteen years old?
- Q Then Lizzie, the last one; how old is she? A She is along in twenty.
- Q Well, how many of these children are living with you? A All of them living with my except my boy.
- Q Which boy? A McNeely.
- Q Where is he? A He went off up to Fort Worth.
- Q When did he go to Fort Worth? A Just since Christmas.
- Q Did he live with you before that time? A Yes sir.
- Q He hasn't been back since Christmas? A Yes sir, he been back about a month ago.
- Q Is he working at Fort Worth? A Yes sir.
- Q Is he there now? A Yes sir, he is there now.
- Q Has McNeely ever voted? A No sir.
- Q Is he old enough to vote? A No sir, he aint old enough.
- Q Where id Lizzie? A She is at home.
- Q She didn't come here to-day? A No sir.
- Q And she is twenty years old? A Yes sir, she is about twenty years old.
- Q Is she living with you? A Yes sir.
- Q Has she lived with you all the time? A Yes sir, until she married.
- Q She is married, is she? A Yes sir, but she has quit her husband and come back home.
- Q Has she got any children? A She got one.
- Q What is the name of her husband? A Wash Moore.
- Q Is he a state negro; Texas negro? A Yes sir; well, his home generally is in Greenville.
- Q Where was she living before she came back to you? She lived right there around the switch; I lived there at Pittsburg around the switch.
- Q Did she get a divorce from her husband? A No sir.
- Q Just quit him? A Yes sir.
- Q When was she married to Moore? A She married Christmas before last.
- Q Christmas, 1905? A Along there somewhere.
- Q What is the name of this baby? A Veneely.
- Q Moore? A Yes sir.
- Q Now, when was Veneely born? A Well, she was born on the 10th of August.
- Q This last year? A Yes sir.
- Q 1906; this is 1907? A Well, she was born the 10th of August, last year.
- Q Well, McNeely isn't married, is he? A No sir.
- Q None of your other children are married? A No sir.

- Q What is McNeely doing at Fort Worth? A I don't know, sir; I got a letter from him week before last that he was working there in town, but what kind of work he is doing, I don't know.
- Q What is the name of your father? A Oliver Sills.
- Q What is the name of your mother? A Harriet Sills.
- Q Where were you born? A I don't know, sir, where I was born.
- Q Born in Texas? A Yes sir, I was born in Texas.

(Witness excused.)

ALICE IVEY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Alice.
- Q Alice what? A Alice Ivey.
- Q How old are you? A I don't know sir, how old I am; my daddy knows how old I is.
- Q Haven't you any idea how old you are? A No sir.
- Q As much as thirty-five? A Yes sir, I expect I am; pappy would know, but I don't know myself.
- Q Are you older than Catherine? A Yes sir.
- Q Well, you are about between forty and forty-five years old then? A Yes sir, I guess so; I am the eldest one of them.
- Q What is the name of your father? A Oliver Sills.
- Q What is the name of your mother? A Harriet Sills.
- Q Where were you born? A Gillmore.
- Q Gillmore Texas? A Yes sir.
- Q Did you come here to-day for the purpose of making proof of removal and settlement in the Choctaw-Chickasaw country? A Yes sir.
- Q Where did you come from to-day? A I come from Finley, Bowie County.
- Q Bowie County, Texas? A Yes sir.
- Q Are you married? A Yes sir, I am married.
- Q What is the name of your husband? A Gilford Ivey.
- Q Is he a Texas negro? A Yes sir.
- Q What is your post office down there? A Bassett.
- Q Is your husband here to-day? A No sir, he aint here to-day.
- Q He is still down there in Texas? A Yes sir.
- Q Did you bring any of your household effects with you when you came here to-day? A No sir, I never brought any at all.
- Q Didn't bring anything at all? A No sir.
- Q Do you expect to go back down there to-day? A Yes sir, I expect I will.
- Q What does your husband do for a living down there? A He works.
- Q Farm? A Yes sir.
- Q Got a farm of his own? A No sir.
- Q Does he rent? A Yes sir.
- Q Has he got a lease for this year? A Yes sir, I think he has; yes sir.
- Q Is he putting in a crop now? A Yes sir.
- Q Is he putting it in on shares? A He rented.
- Q Cash rent or share rent? A Now, mister, I don't know sir; I don't know much about that kind of business.

- Q Does he rent for part of the crop? A Yes sir, part of the crop.
- Q Are you going to stay down there until he gets that crop gathered this fall? A I don't know sir, till I get back home; I am going to stay where my father stays.
- Q Are you going to leave your husband if he stays down there?
- A No sir, my husband is going with me.
- Q Do you own any property down there in Texas? A No sir, don't own any property only a few mules.
- Q Have you got any other stock? A Just a few mules and milk cows and hogs.
- Q You haven't sold any of this property yet? A No sir.
- Q You are going back down there to-day? A Yes sir, I guess I will.
- Q You are not prepared to stay in the Indian Territory at the present time? A No sir, not now. Well, I am going to make my home here.
- Q Have you any children? A Yes sir.
- Q What is the name of the oldest one? A Louis.
- Q How old is Louis? A I forget. My husband always keeps the children's age.
- Q How big a boy is Louis? A Louis is a man grown.
- Q Is he married? A No sir, he aint married.
- Q Has he voted? A No sir.
- Q Is he old enough to vote? A I don't think he is; not Louis.
- Q Is he the oldest child? A No sir, Louis aint the oldest child.
- Q Well, I asked you the name of the oldest child of yours; what is the name of the oldest child? A Levi.
- Q How old is Levi? A Well, I can't give my children's age; I can't give their ages; my husband always keeps the ages.
- Q Is Levi married? A Yes sir, he is married.
- Q How long has he been married? A Levi have been married about two years this year.
- Q Is he old enough to vote? A I don't know sir; you know about young boys, they marry pretty fast.
- Q Is any one here that knows how old he is? A Jerry Johnson might give them pretty close.
- Q Is he here? A Yes sir.
- Q Has Levi got any children? A No sir.
- Q What is the name of the next one? A Simmy.
- Q Is that a boy or girl? A Boy.
- Q How much younger is Simmy than Levi? A There is two years difference.
- Q Two years? A Yes sir, I know that.
- Q What is the name of the next one after Simmy? A James.
- Q How much younger is James than Simmy? A He is a year.
- Q What is the name of the next child? A Thomas.
- Q How much younger is Thomas than James? A There is two years difference.
- Q What is the name of the next child? A Lillie.
- Q How old is Lillie? A A year's difference.
- Q What is the name of the next one? A Joseph.
- Q How much younger is Joseph than Lillie? A There is two years and a half difference.
- Q What is the name of the next one younger than Joseph? A Joseph is my baby child.
- Q What is all you have got? A Yes sir.
- Q These six children; just got six? A I got seven children.

- Q You have got a child names Louis? A Yes sir.
Q Where does he come; between what two children? A Louis is next to Levi.
Q Louis the next to the oldest? A Yes sir.
Q Now, how much difference is there between Levi and Louis?
A I will be honest with you, Mr. A child is dead; there is one between them that died; so I can't tell.
Q Which child is dead? A There is one between James and Simmy that is dead.
Q Are all these seven children living? A Yes sir, they are living.
Q Now, are any of them married beside Levi? A No sir, I haven't for but one child married, and that is Levi.
Q Have you talked with your husband and decided what you are going to do about coming to the Territory? A Yes sir, he said he was coming up here after I had come up here and said how I liked it; he said he was coming up here.
Q How many of these children are living with you? A All of them living with me but one.
Q Which one is that? A That is Levi, the one that is married.
Q And he is of age and is living with his wife? A Yes sir.
Q What is his post office? A His post office is Texarkana.
Q Texarkana, Texas or Arkansas? A Yes sir, Texarkana, Texas.
Q How long do you expect to stay when you go back to Texas, to-day?
A Well, I won't stay there longer than two or three weeks, I guess.
Q What are you going to do with that crop you are putting in down there? A I don't know, sir. We aint started much of a crop no how.
Q Well, are you going to stay down there after you go back to-day?
A Yes sir, I am going back down there.
Q Well, are you going to stay after you go back down there?
A No sir, I don't think I will stay; I think I like it pretty well since I came up here and looked at the place and all.
Q Well, is it your intention to go down there and dispose of what property you have and come back up here to the Territory?
A Yes sir.
Q How big a place is your husband cultivating down there in Texas?
A I don't know just how many acres.
Q As much as twenty acres? A I will be honest with you; I don't know, sir; I don't know how much he got in rent.

There is offered in evidence proof of marriage of Alice Sills to Gilph Ivey, said marriage having been performed on January 26, 1881.

(Witness excused.)

MARY JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Mary Johnson.
Q How old are you? A Well, sir, I just naturally don't know my age.

- Q Are you younger than Catherine? A No sir. Catherine, the first one that come in here, I am older than she is; I am younger than the last one.
- Q You are about forty? A I don't know, sir.
- Q You are older than Catherine and younger than Alice? A No sir, Alice is the oldest one and I am next to Alice.
- Q Then you are about forty? A I don't know, sir.
- Q When did you come here? A I come here this morning.
- Q Where from? A Naples.
- Q Naples, Texas? A Yes sir.
- Q What is the name of your father? A Oliver Sills.
- Q What is the name of your mother? A Harriet Sills.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Jerry Johnson.
- Q How long have you been married? A I don't know, sir, how long I have been married; been married a long time all right.
- Q Have you been married as much as ten years? A Oh, law, yes sir, longer than that.
- Q Were you married before or after Alice? A My sister Alice was married first.
- Q Well, Alice was married in January, 1881, according to this marriage certificate. Now, how long after Alice were you married?
- A I think it was---as near as I can come at it it was about three months.
- Q After Alice was married? A Yes sir.
- Q Well, then you were married in about May, 1881? A As near as I can come at it about three months I reckon.
- Q Have you got a marriage certificate here with you? A No sir.
- Q Were you married by a preacher? A Yes sir.
- Q Did he give you a certificate? A No sir.
- Q Didn't you get a license? A Yes sir, I got a license.
- Q In what county were you married? A Mt. Pleasant.
- Q What is the county seat of Mt. Pleasant County? Were you married at Mt. Pleasant? A Yes sir, I was married at Mt. Pleasant, about three miles from the town.
- Q In Titus County? A Yes sir.
- Q Are you living with your husband? A Yes sir.
- Q Does he live at Naples? A Yes sir.
- Q What does your husband do for a living? A He works a farm.
- Q Is he a farmer? A Yes sir.
- Q Is he leasing some land down there working on shares? A Yes sir.
- Q Did he start to put in a crop this year? A No sir, I don't see how he could do anything; he aint got any horses or anything to make it with, but we have moved to a white man's place to make a crop.
- Q For how long did he lease it? A He just rented it for this year.
- Q One year? A Yes sir.
- Q Has he started to wroking the ground? A No sir, he has not started to plow the ground or anything.
- Q Hasn't done anything yet? A No sir.
- Q Does he own any property down there? A No sir, just got six hogs, got that together.
- Q All you and he have got together? A Yes sir.
- Q Did you appear here to-day for the purpose of making proof of removal to the Chactaw-Chickasaw country? A Yes sir.

- Q Did you bring anything with you when you came here to-day?
A No sir, nothing but a few clothes and my baby.
Q Didn't bring any of your household goods? A No sir.
Q They are all down there in Texas yet? A Yes sir.
Q Is your husband here? A Yes sir.
Q Is he here to-day? A Yes sir.
Q Is it your intention to stay here and make this your home?
A Why, Yes sir, I want to stay where my father does.
Q Well, if your husband doesn't want to stay here are you going to leave him? A Well, my husband will stay where I stay; we don't think about parting; where I want to go why he goes, and where he wants to go I go.
Q Do you expect to go back to Naples to-day? A No sir, I won't get to Naples.
Q Are you going back to Texas to-day? A Yes sir, we want to get back.
Q Are you coming back again as soon as you get down there?
A Yes sir, I'll come back when the rest of them comes.
Q Well, if they don't come aren't you coming back? A Well, I couldn't come unless some of my folks come with me.
Q Well, do you expect to make this your future home? A Yes sir, I just as soon make this my home, because I like here myself.
Q I want to know if you expect to make this your home? A Yes sir, I will make this my home if my father come; of course, I been staying around him all my days.
Q How far is Naples from Pittsburg? A I don't know exactly how far it is from Pittsburg.
Q Well, you haven't been living right near your father, have you?
A Yes sir, I been living around father all my days.
Q Well, Naples is about thirty miles from Pittsburg, isn't it?
A Alice is living down there at Pittsburg.
Q How long have you lived at Naples? A I think this year is five years; I think this year is five.
Q How many children have you got Mary? A Well, I can call the names.
Q Well, give me the name of the oldest one? A John William.
Q How old is he? A I don't know, sir, how old he is.
Q Is he married? A No sir, he aint married.
Q How big a boy is he? A He is nearly grown.
Q Is he old enough to vote? A No sir, my husband knows his age.
Q He is here isn't he? A Yes sir.
Q What is the name of your next child? A Carrie.
Q What is the name of the next one? A Caldonia.
Q That is a girl isn't it? A Yes sir, both of them is girls.
Q What is the name of the next one? A Adee.
Q Is that a girl? A Yes sir.
Q What is the name of the next one? A Willie.
Q Boy or girl? A Boy.
Q What is the name of the next one after Willie? A Pearline.
Q What is the girl too, isn't it? A Yes sir.
Q What is the name of the next one? A That is all but the baby, Allie.
Q Is that a girl? A Yes sir.
Q How old is Allie? A Allie, as near as I can come at it, she lacken three months of being two years old.

(Witness excused.)

JERRY JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Jerry Johnson.
- Q How old are you? A The 10th of this month I will be forty-six.
- Q Are you the husband of Mary Johnson? A Yes sir.
- Q When were you married? A We married in '81.
- Q Do you know the month? A In May.
- Q Now, your wife has given me the names of seven children. I will read them to you and see if that is all of them. (Reads the names of the children given by his wife). Are these all the children that you have? A Yes sir, that is all.
- Q How old is John William? A John William will be twenty-one years old September the 19th.
- Q This year? A Yes sir.
- Q How old is Carrie? A She will be fifteen September 19th.
- Q How old is Caldonia? A She will be seventeen the 4th of July.
- Q How old is Adee? A He will be thirteen the 25th of March.
- Q Is Adee a boy? A Yes sir.
- Q How old is Willie? A Will be six years old September 4th.
- Q How old is Pearline? A She is nine.
- Q Pearline is older than Willie then? A Yes sir.
- Q How old is Allie? A She is twenty-two months old.
- Q Did you talk over with your wife the matter of moving to the Choctaw-Chickasaw country for the purpose of making your home? A Yes sir.
- Q What have you decided to do? A We decided to make it our home.
- Q When did you come; this morning? A Yes sir.
- Q Are you going back to Texas again to-day? A Yes sir, as soon as we get off.
- Q What is your intention after you go back to Texas? Are you coming back again? A Yes sir, I am coming back.
- Q How soon? A I don't know, sir; just as soon as I can come back; I couldn't tell you how soon.
- Q Have you got a lease on some land down there this year in Texas? A No sir, I aint got any lease.
- Q Have you got an agreement to wrok some land on shares? A Oh, yes sir.
- Q For how long? A To make this crop.
- Q One year? A One year.
- Q Have you started in making your crop yet? A Well, we cleared up some land is all.
- Q Did you bring any of your household effects with you wehn you came here to-day? A No sir.
- Q Didn't bring anything at all? A No sir.
- Q All your property that you own is now in Texas? A Yes sir.
- Q What have you got down there? A I haven't got anything at all only a few hegs.
- Q Get your household effects have you? A Yes sir, my household goods.
- Q Are you acquainted with Lizzie Sills? A Yes sir.
- Q Is she your wife's sister? A Yes sir.
- Q Full sister? A Yes sir.
- Q Same mother and same father? A Yes sir.
- Q Is Lizzie married? A Yes sir.
- Q Where does she live? A She lives in Kamp County.
- Q What post office? A Texas.
- Q What is the post office? A Pittsburg.

- Q What is the name of her husband? A Hard Ivey.
Q What does Hard Ivey do? A He railroads.
Q Works on the railroad? A Section foreman.
Q Do they own a home down there in Pittsburg? A No sir.
Q Well, does he rent? A Well, he don't make any crop at all; he is section foreman.
Q I asked you if he owned a home down there in Pittsburg? A Well, he got a little lot; I don't know whether he got it paid for or not.
Q Has he bought a lot down there? A Yes sir.
Q Got a house on it? A Yes sir, I think so.
Q Do you know why she isn't here to-day? A Who?
Q Lizzie Ivey? A No sir, I don't know, sir, how it come she didn't come here.
Q You are living at Naples, aren't you? A Yes sir.
Q Has Lizzie any children? A Yes sir.
Q How many? A Two.
Q What are their names? A I don't know, sir, what is their names.
Q Do you know Daniel Sills? A Yes sir.
Q How old is Daniel? A Well, I just don't know, sir, how old Dan is.
Q Is he a grown man? A Yes sir, he is a grown man.
Q As much as thirty years old? A No sir, I don't think he is that old.
Q He is past twenty-one, isn't he? A Yes sir.
Q Is he married? A No sir, he isn't married.
Q Where does he live? A Well, I don't know, sir; the last I heard of him he was out here at Coppell.
Q What is he doing down there? A He is railroading, following a gravel train.
Q Is he a brakeman? A No sir, shoveling gravel.
Q You say he isn't married? A No sir.
Q Do you know why he isn't here to-day? A No sir.
Q He isn't living with his father, Oliver Sills, is he? A No sir.
Q Is he a full brother to your wife? A Yes sir.
Q Do you know Thomas Sills? A Yes sir.
Q How old is Thomas? A I think Thomas is somewhere about thirty years old.
Q Where does Thomas live? A Texarkana.
Q Texas or Arkansas? A I don't know whether he is on the Texas side or the Arkansas side; he lives in Texarkana.
Q Is he married? A Yes sir.
Q How many children has he got? A Two.
Q Do you know their names? A No, he has got three; he has been married twice Tom has.
Q Do you know the names of the children? A I know the name of one, his biggest boy; he has got a boy named Lemon.
Q How old is Lemon? A I don't know, sir.
Q How big a boy is he? A The last time I seen him he was a pretty good size, up about so high (indicating distance from floor)
Q When did you see him last? A I aint seen him for two years.
Q About ten or twelve years old? A Yes sir, he laeks like he is.
Q Do you know why he isn't here to-day? A No sir.

(Witness excused.)

CATHERINE IVEY, being recalled, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Catherine Ivey.
Q Do you know Lizzie Sills? A Yes sir.
Q Is she your sister? A Yes sir.
Q She is married isn't she? A Yes sir.
Q What is the name of her husband? A Hard Ivey.
Q She lives at Pittsburg? A Yes sir.
Q The same place you live? A Yes sir, just south of the switch.
Q You live near Pittsburg? A Yes sir.
Q Did you see Lizzie just before you started? A Yes sir, I come by her house.
Q Why didn't she come with you? A I don't know, sir.
Q She is living with her husband, isn't she? A Yes sir.
Q She doesn't live with her father? A No sir.
Q Didn't she understand that she had to make proof of settlement in the Choctaw-Chickasaw country if she wanted to get any land here?
A I don't know, sir.
Q Didn't she understand that she had to come here? A I guess she did.
Q Well, then why didn't she come? A I don't know, sir.
Q Lizzie and her husband have never been in the Indian Territory, have they? A No sir.
Q They own their home there where they live? A Well, if they do I don't know sir; he is trying to buy one, but whether he has paid anything on it, I don't know, sir.
Q How many children have they got? A Two.
Q What are their names? A Ola and Jewel.
Q How old is Ola? A I don't know sir, how old her children are.
Q Is it a boy or girl? A She is a girl.
Q How big a girl is Ola? A She is along about that way (indicating).
Q About six or seven years old? A I don't know, sir; I don't know her children's age.
Q Which is the older of these two children? A Jewel is the baby.
Q How old is Jewel? A Well, I don't know, sir, how old the baby is; I just don't know her children's ages.
Q How old is Jewel? A He is a baby, a small little fellow.
Q Is he as much as a year old? A Well, he is nearly a year old.
Q Can he walk? A No sir, can't walk.
Q When was it born? A Well, I don't know when her baby was born.
Q Do you know what time of the year it was born? A It was born some time last year, but I don't know.
Q In the summer time or fall or spring? A Along in the fall, I think.
Q In the fall last year? A Yes sir, I think so.
Q Is it about six months old? A I guess so.
Q Is it as old as your baby? A Yes sir, very near as old as my baby.
Q And your baby is about eight months old? A Yes sir, very near eight months old.
Q Was your baby born first, or hers? A My baby was born first.
Q Well, then her baby isn't eight months old yet? A No sir, it ain't; my baby was born first.
Q Do you know Thomas Sills? A Yes sir.

- Q Is he your full brother? A Full brother.
Q Has he got the same father and mother you have? A Yes sir.
Q Do you know how many children he has got? A No sir, I don't.
Q Do you know whether he has got any or not? A No sir, I don't know whether he got any children or not.
Q Do any of your sisters that are here know whether he has got any children or not? A Oh, yes sir, he got some children.
Q How many? A Well, he got two that I know of.
Q Do you know their names? A No sir, I don't know their names; he lives down at Texarkana.
Q Texarkana Arkansas or Texas? A Texas.
Q Does your sister Mary know anything more about his children than you do? A Probably she does; she lives closer to him than I do.

(Witness excused.)

MARY JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Mary Johnson.
Q Are you a sister to Thomas Sills? A Yes sir.
Q Same father and same mother? A Yes sir.
Q Do you know whether he has got any children? A Got two.
Q Do you know their names? A One named Lemon, and we call the girl Seok, but I guess she got another name, but I don't know her name; I haven't seen her since she was crawling.
Q How old is Seok? A I don't know, sir.
Q When did you see her last? A I aint seen Seok in about seven years; she was just crawling when I seen her.
Q Well, how old is Lemon? A Well, I don't know, sir.
Q How big a boy was he when you saw him? A He was pretty large. Tom was at my house Christmas, and he said Lemon was a large boy.
Q About ten years old? A I don't know, sir, how old Tom said; he aint been staying close around me.
Q Lemon is elder than Seok, isn't he? A No sir.
Q Is Seok the elder child? A Yes sir, Seok is the oldest.
Q Was Lemon born since you saw Seok? A Well, I don't know how long Tom been married; when Tom left my Pa he wasn't grown, and when he come back he was married and he had two children.
Q And Seok was the oldest? A Yes sir, Seok was the oldest; he didn't have but two; he left Pa before he was grown, and when he come back he was married.
Q Did you ever hear that he had three children? A No sir.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilised Tribes, on oath states that she reported the testimony in the above entitled cause on the 4th day of March, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Lenora B. Ashton

Subscribed and sworn to before me this 4th day of March, 1907.

Robert Shappell
Notary Public.

MS *DAB*
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---oOo---

In the matter of the application of Oliver Sills et al. for identification as Mississippi Choctaws, M C R 7285.

O R D E R.

It appears from the record herein that on March 23, 1903, application for identification as Mississippi Choctaws was made to the Commission to the Five Civilized Tribes by Oliver Sills for himself and his two minor children, Lizzie and Perry Sills.

That on December 21, 1903, a further hearing was had in said case before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, at which time the testimony of I. L. Adair, of Pittsburg, Texas, a witness on behalf of the applicants, was submitted, and there was also filed an affidavit of J. L. Long relative to the physical condition of Isaac Jackson.

That on March 15, 1904, the Commission to the Five Civilized Tribes rendered a decision in the above entitled and numbered case, refusing the application for identification as Mississippi Choctaws of the said Oliver Sills, Lizzie Sills and Perry Sills.

That on November 23, 1905 (I T D 6296-1904, 15392-1905), the Secretary of the Interior rendered a decision in said case, reversing the decision of the Commission, dated May 15, 1904, and directing the Commissioner to the Five Civilized Tribes to readjudicate said case according to the sugges-

tion of the Assistant Attorney General therewith transmitted.

That in remanding said case the Department stated as follows:

"Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony you are authorized to grant a rehearing, provided application therefor be made to you showing the names and postoffices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations."

That on February 16, 1906, there was filed with the Commissioner to the Five Civilized Tribes a motion or petition of the said Oliver Sills praying for a rehearing in the case, and for thirty days time within which to procure and submit additional evidence.

That pursuant to the direction of November 23, 1905, further testimony in the matter of said application was had on October 8, 1906, and the record in said case returned by the Commissioner to the Five Civilized Tribes to the Secretary of the Interior on January 2, 1907, with the recommendation that he be authorized to identify Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws, and requesting specific instructions as to what further action, if any, should be taken by him in reference to the other children of the said Oliver Sills referred to in his testimony of March 23, 1903, and for whom no formal application, as Mississippi Choctaws, had ever been made.

That on February 13, 1907, the Commissioner to the Five Civilized Tribes transmitted to the Secretary of the Interior, for his approval, a schedule of identified Mississippi Choctaws, containing the names of the said Oliver Sills, Lizzie Sills and Perry Sills, opposite numbers 2524, 2525 and 2526, respectively.

That on February 28, 1907 (I T D 5460-1907), the Secretary of the Interior directed the identification, as Mississippi Choctaws, of Oliver Sills, his children Lizzie Sills and Perry Sills, and his unnamed children referred to in his testimony of March 23, 1903.

That on March 1, 1907, the said Oliver Sills appeared at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and submitted proof of removal to and settlement within the Choctaw-Chickasaw country for himself and children, Lizzie and Perry Sills, and in which was disclosed the names of the five children, heretofore referred to and whose identification has been ordered, same being Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills.

I am, therefore, of the opinion that, in accordance with the direction of the Secretary of the Interior, dated February 28, 1907 (I T D 5460-1907), the said Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills should be identified as Mississippi Choctaws, and it is so ordered.

Muskogee, Indian Territory,

MAR - 4 1907



Commissioner.

MEMORANDUM.

Captain Bob, or Min-go-ho-ma, was awarded scrip under the provisions of the 14th article of the Treaty of 1830 and the subsequent legislation relative thereto. This scrip was in behalf of himself and six minor children, it being numbered 361, 361b and 361c. The letter b designated the children over ten years of age, covering 320 acres of land, and the letter c indicated those under ten years of age, the certificates covering 160 acres. Under an order of the President, subsequently enacted into law, only fifty per cent of this scrip was deliverable to the Indians east of the Mississippi, but as a matter of fact, very little of it was delivered East. The history of the delivery of the scrip of this family is as follows:

Certificate No. 361 for Captain Bob, or Min-go-ho-ma, was delivered by J.H. Bowman in Mississippi September 1, 1851, to Yok-ko and Ish-te-ah, representatives of Captain Bob, or Min-go-ho-ma, deceased.

The certificate for Ah-lo-ko-tubbe was delivered by J.H. Bowman in Mississippi September 1, 1851, to Yok-ko and Ish-te-ah, as representatives of the scribee, but no notation was made that Ah-lo-ko-tubbe was deceased. There was a Choctaw Indian whose name is given in the schedule as Ah-lo-co-tubbe, who was emigrated West by Messrs. Anderson, Forester, Cobb and Pickens in 1845, and it may be that he was the scribee referred to here.

Ah-took-lah-ho-ka was a daughter over ten years of age, and a scrip certificate was delivered by J.H. Bowman in Mississippi Septem-

ber 1, 1851, to Yok-ko and Ish-te-ah, as representatives, although no notation is made of her being deceased. The census taken by Indian Agent Cooper in Mississippi in 1856 gives the name of A-tuk-la-ho-ka, who was then the head of a family, as living in Newton or Neshoba Counties. The residence of Captain Bob was in Newton County, and this woman may have been his daughter and the scribee.

Al-mo-tubbe was over ten years of age. A certificate of scrip was issued in his behalf ^{and J. H. Bowman} by Bowman in Mississippi September 1, 1851, to Yok-ko and Ish-te-ah as representatives of "Almotubbe, deceased".

Ish-ti (or te)-ah was under ten years of age, and her scrip was delivered to her by Bowman September 1, 1851. The census East made by Cooper in 1856 shows a person of that name, having no family, and being resident in Louisiana at that time.

Yok-ko was under ten years of age. This scrip was delivered to Yck-ko January 22, 1849, at the Choctaw Agency West. Yok-ko removed West with a party that left Vicksburg December 28, 1848, and arrived in the Choctaw Nation West January 14, 1849.

Chal-le was under ten years of age. This scrip was delivered by Bowman September 1, 1851, to Yok-ko and Ish-te-ah, representatives of "Chal-le-le, deceased". In the party emigrated West by Messrs. Anderson, Forester, Cobb and Pickens in 1845 was a Chah-ly, but whether it was a member of this family cannot be said.

Many charges of fraud were made against J.H. Bowman in connection with his delivery of the scrip in behalf of these Choctaw Indians, both by the Indians and by white men. There is no question but that

whether he himself was a party to the frauds or not, a great part of the scrip delivered by him was delivered to persons who were not entitled to it. In numerous instances scrip was delivered to parties as the representatives of persons claimed to have been deceased, when, as a matter of fact, the principals were actually alive, so that no reliance can be placed on the statements contained in his schedules as to whether the persons entitled to the scrip were alive or dead; as to whether the beneficiaries actually received the scrip, or whether some other persons impersonated them or wrongfully claimed to be representatives. As will be seen above, Yok-ko was transported West in 1848-1849, and Bowman's record shows Yok-ko to have received scrip in behalf of members of the family in Mississippi in 1851. Of course, many of the Choctaws returned to Mississippi after having been once transported West, but as said before, very little credit can be given the schedules prepared by Bowman.

There was a Capt'n Bob, a resident on the W/2 of SE/4 of Sec. 23, T.16 N., R.6 E., Attala County, who was a claimant for land under the 19th article of the Choctaw Treaty. While his claim was never perfected, the land is still reserved for him on the books of the General Land Office, but no patent has been issued.

There was a Min-go-ho-ma, a resident of Clarke County, Mississippi, who claimed under the 19th article of the Treaty Lots 2 and 5 (E/2 of NW/4) of Sec. 1, T.3 N., R.14 E. His claim to this land was perfected by the President and was sold with the sanction of the President October 18, 1832.

The undelivered scrip of the family of Captain Bob, or Min-go-ho-ma, was subsequently funded and paid out, but the records of the Office do not show to whom.

COPY.

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

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In the matter of the application of Oliver Sills, et al.,
for identification as Mississippi Choctaws, M.C.R. 7285.

---: 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 Oliver Sills for himself and his two minor children, Lizzie and Perry Sills, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary 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 Mingo Homer (or Houch, or Houch, or Captain Bob), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mis-

Mississippi in eighteen hundred and thirty; and Francis Homer (or Homoh, or Homah), nee Murphy, who is alleged to have been a Choctaw Indian, degree of blood not stated.

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

From the evidence submitted in support of said application, it appears that the principal applicant herein is about 60 years of age and the son of Tom Sills, a negro slave, and Lydia Sills, who is alleged to have been a full or three-quarter blood Choctaw Indian; and that Lydia Sills was the daughter of Mingo Homer (or Homoh, or Homah, or Captain Bob), a full-blood Choctaw Indian, who is alleged to have been an Indian Chief, and Francis Murphy, a part Choctaw Indian woman, both of whom resided in Newton county, Mississippi in eighteen hundred and thirty, the latter being a slave of one Mr. Murphy. It is further stated that Lydia Sills was born in Newton county, Mississippi in 1820 and about the year 1840 was brought to Pike county, Georgia as a slave on one Friend Sills.

It is found that the name Captain Bob, alias, Min-go-hamah appears on pages 382, 508, 581, 583 and 584 of Volume I, Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under

article fourteen of the treaty of eighteen hundred and thirty, wherein it appears, among other things, that the said Captain Bob, alias, Min-go-ho-nah, in eighteen hundred and thirty, resided in Newton county, Mississippi on Section 26, Township 7, Range 13 East, and that he appeared before Colonel Ward and signified his intention to remain for the five years stay and take land under article fourteen of the treaty of eighteen hundred and thirty. It further appears that he at that time had six children, two over and four under ten years of age whose names are as follows: Ah-lo-ko-tubbe, Ah-took-lah-ho-ka, Al-mo-tubbe, Ish-ti-ah, Yek-ko and Chal-le.

It further appears that Captain Bob, alias, Min-go-ho-nah received scrip as a beneficiary under article fourteen of the treaty of Dancing Rabbit Creek, and in relation thereto the Indian Office furnishes the following testimony of one Kon-e-toon-tubbe taken in 1844 before the Commission appointed under the act of Congress of August 23, 1842:

"Capt. Bob, alias
Mingo homah.
Case No. 506.

Kon-e-toon-tubbe, a witness produced on the part of the claimant in the above case, being duly sworn and examined, testifies as follows: That he is about 35 years old, and is no kin to the Claimant. At the time of the Treaty of Dancing Rabbit Creek which took place about fourteen years ago, he knew the Claimant and his family well, and lived about 4 miles from him. He was then a Choctaw head of a family, and had lived with him his wife Ne-hah-oh, and six unmarried children, named Ah-lo-ko-tubbe, then over ten years of age. Ah-took-lah-ho-ka, then over ten years of age: Al-mo-tubbe, then under ten years of age, Is-ti-ah, then under ten years of age, Yek-ko, then under ten years of age, and Challe, under ten years of age, all present, and pointed out by witness. He then had a house and field on Tulle hattah, He-tak-cha, District, now Newton County; his nearest neighbor was Un-te-ka-ah. Claimant, nor his children ever went west, but always remained in the ceded Territory, and on the same land.

Sec. 26, T 7, R 13 E.,
Newton Co. Miss."

From the above it will be noted that the wife of Captain Bob, alias, Mingo-ho-nah, or Mingo-homah, of the records, bore the

name of Ma-hah-cha, who, together with her six children, resided in Newton county, Mississippi as late as the year 1844.

It does not appear from the evidence submitted by the applicants herein that Mingo Hemer (or Homah, or Homah, or Captain Bob), through whom they claim, is the identical Captain Bob, alias, Min-go-ho-mah, or Min-go-ho-mah, whose name appears in the records above cited.

It is further found that the name Captain Bob appears on pages 54 and 103 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Nitachahsee's and Greenwood LeFlore's Districts in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty; and also on pages 129 and 136 of said record in a list of claims allowed under the treaty in Nitachahsee's and Greenwood LeFlore's Districts, apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

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 Mingo Hemer (or Homah, or Homah,

or Captain Bob), or Francis Homer (or Hemo, or Homah), nee Murphy, 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 Oliver Sills, Lizzie Sills and Perry Sills, as Choctaw Indians entitled 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 P. ...
Chairman.

(SIGNED)

I. B. ...
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

(SIGNED)

W. E. Stanley.
Commissioner.

Muskegee, Indian Territory,

MAR 15 1904

Department of the Interior
Commission to the Five Civilized Tribes
~~~~~

In the matter of Oliver Sells, appli-  
cant for identification as a Missis-  
sippi Choctaw under which 14 of  
the Treaty of Dancing Rabbit Creek  
~~~~~

Comes Oliver Sells, applicant
and making application to the
Commission to the Five Civilized
Tribes for a Commission to take
the deposition of the following
named witnesses to wit Isaac
Jackson and Esary Minter on says

1st That applicant has heretofore
made personal application to the
Commission to the Five Civilized
Tribes for identification as a Missis-
sippi Choctaw.

2nd That each of above named witnesses
are non residents of the Indian
Territory and of the State of Missis-
sippi; That the testimony of each
of said witness is material to his
claim and that he applies to its
proof the following facts by said
witnesses to wit:

a. That he expects to prove by the witness Isaac Jackson: That he witness knew, in Newton County, in the State of Mississippi about the year 1841 and prior thereto one Lydia Murphy, who was then about grown. That he knew the mother and father of said Lydia Murphy, and knew them for several years. That her mother was name Francis Murphy and her father was name Mingo Hancock. That her mother was a slave and that her father was a full blood Choctaw Indian and was an Indian Chief and was sometimes called "Captain Bob": That he accepted a treaty made with the Government and received from the Government a portion of the lands. That he claimed said Francis Murphy as his wife and and claimed and recognized said Lydia as his daughter.

That said Francis appeared to be of Indian blood also, but passed for a Negro

That about the time said Lydia was grown she was sold to white man name Sills and was carried away by her new master to the State of Georgia

as witness they understood.

That witness has known applicant
Oliver Sills in Camp County, Texas
for many years and has always
understood that he was a chief of
said Lydia, but if this post witness
has no knowledge. That he never
again ^{saw} said Lydia after she
was carried away by her new Master.

That witness and said Francis and
said Lydia Murphy lived in New-
ton County, Mississippi during
the time that he knew them.

That said Lydia had an Indian name
by which she was called by her father
and the other Indians, but that he
knew her as Lydia and she was Sathum
and called by all except the Indians.

That he expects to prove by said witness
Epsy Peoples. That about twenty
years before she was she lived in
Pike County Georgia. That she was a
slave. That she knew a white man
by name Friend Sills, in said Pike
County who was a Slave owner.
That said Sills, during the time that
she knew him bought and brought
into said Pike County a young woman
name Lydia whom she afterwards
knew as Lydia Sills. That she claimed
to be and appeared to be an Indian.
That during the time that she so knew
said Lydia she gave birth to two chil-
dren, a girl and a boy. That the
boy was named Oliver. That said
Friend Sills moved from Pike
County Georgia and witness un-
derstood that he moved to the State
of Alabama. That witness came
to Camp County (then Upper) Texas
about three years before she was,
and that she has known applicant
Oliver Sills since about the close
of the war, and that she has always
understood that he was the child
of said Lydia, but that the boy of said

In the Matter of
Oliver Lillo 7285

Applicant
Appreciation for
Commission to take

Exposures of
Isaac Jackson

Epsy Minter
Applicant
Appreciation for

Lydia was too small when she last
saw him in said Pine County, Georgia
for witness to recognize him in
the person appearing.

Oliver ^{his} Sells
_{mark}

Subscribed and sworn to before me this
25 day of April, 1903

J. A. Copenhedge Clerk
County Court
Camp Co. Texas

M.C.R. 7285

Muskogee, Indian Territory, May 9, 1903.

J. A. Hurley,
Attorney at Law,
Sulphur Springs, Texas.

Dear Sir:

The Commission is in receipt of the affidavit of Oliver Sills wherein he sets forth his reasons for desiring to have certain depositions taken in support of the application which he made on behalf of himself and his two minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses, with proof of service thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Oliver Sills, et al., M.C.R. 7285, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

Muskegee, Indian Territory, May 25, 1903.

J. A. Hurley,
Attorney-at-Law,
Sulphur Springs, Texas.

Sir:

Enclosed please find commission to take the deposition of Isaac Jackson, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Oliver Bills, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #18.

Commissioner in Charge.

M.C.R. 6443
" 7245
" 7348

Muskogee, Indian Territory, May 1, 1903.

J.A. Hurley,

Attorney at Law,

Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 27, 1903, enclosing notices to take depositions and interrogatories in the matter of the applications of Ullie Hill, et al., Liza Martin, et al. and Oliver Silla, et al., applicants to this Commission for identification as Mississippi Choctaws; and the same are returned to you herewith, for the reason that subdivision "E" of rule two, and rules twelve and thirteen of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws have not been complied with. A copy of said rules and regulations is enclosed you herewith.

You are further advised that it appears from our records that on April 9, 1903, the Commission rendered its decision refusing the application of Ullie Hill, for the identification of

J A H 3

herself and six minor children as Mississippi Choctaws, and on April 25, 1903, the record in said case was forwarded to the Secretary of the Interior.

Pending action thereon by him, the Commission is without authority to receive or consider any additional evidence in support of this case.

Respectfully,

Chairman.

Enc B I 88-129.

Muskogee, Indian Territory, May 25, 1903.

J. A. Hurley,
Attorney-at-Law,
Sulphur Springs, Texas.

Sir:

Enclosed please find commission to take the deposition of Isaac Jackson, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Oliver Sills, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. #18.

Chairman.

Muskogee, Indian Territory, May 26, 1903.

J. A. Hurley,
Attorney-at-Law,
Sulphur Springs, Texas.

Sir:

Enclosed please find commission to take the deposition of Epsy Minter, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Oliver Sills, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. #19,

Chairman.

Muskogee, Indian Territory, October 21, 1903.

J. A. Hurley,
Attorney-at-Law,
Sulphur Springs, Texas.

Dear Sir:

It appears from the records of the Commission that on March 23, 1903, Oliver Sills appeared before this Commission and made application for the identification of himself and two minor children as Mississippi Choctaws, claiming rights in the Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Mingo Homah (or Capt. Bob).

The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, show that one Mingo Homah (or Capt. Bob) was a beneficiary under said article 14.

You are advised 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 road).

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

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

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

and for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestor.

You are advised that it will be necessary for your client, and such witnesses as you may desire to have testify in his behalf, personally appear before this Commission at its office at Muskogee, Indian Territory, within 60 days from date hereof, and testify as to the above facts.

It will be necessary before such testimony can be taken that you serve notice upon the attorneys for the Choctaw and Chickasaw Nations, giving the names of witnesses and date and place of the taking of such testimony, and that proof of service of said notice be filed with this Commission.

This matter should receive your immediate attention.

Respectfully,

Register.

Commissioner in Charge.

Muskogee, Indian Territory, October 21, 1903.

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

Gentlemen:

It appears from the records of the Commission that on March 23, 1903, Oliver Sills appeared before this Commission and made application for the identification of himself and two minor children as Mississippi Choctaws, claiming rights in the Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Mingo Homah (or Capt. Bob).

The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Mingo Homah (or Capt. Bob) was a beneficiary under said article 14. 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 road).
- 3rd. Their Choctaw as well as their English names.

M McM & C 2

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

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

and for the purpose of comparison, the Commission has this day notified the applicant and his attorney, J. A. Hurley of Sulphur Springs, Texas, that it will be necessary for the applicant, and such witnesses as he may desire to testify in his behalf, to appear before this Commission at its office at Muskogee, Indian Territory, within 60 days from date hereof, and testify as to the above facts. They were further informed that before such testimony could be taken it would be necessary that notice be served upon you notifying you of the date upon which such examination will be held and that proof of service of said notice be filed with this Commission.

Respectfully,

Register.

Commissioner in Charge.

Muskogee, Indian Territory, October 21, 1903.

Oliver Sills,
Pittsburg, Texas.

Dear Sir:

It appears from the records of the Commission that on March 23, 1903, you appeared before the Commission to the Five Civilized Tribes and made application for the identification of yourself and two minor children as Mississippi Choctaws, claiming rights under article 14 of the treaty of 1830, by reason of being descendants of Mingo Homah (or Capt. Bob).

The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, show that one Mingo Homah (or Capt. Bob) was a beneficiary under said article.

You are advised that said records relating to the compliance of persons with the provisions of article 14 contain certain information, as to the year 1830, relative to persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

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

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

5th. The names of their neighbors and associates, and that for the purpose of comparison, testimony of like character should be furnished relative to your ancestor.

You are further advised that it will be necessary for you and such witnesses as you may desire to have testify in your behalf, personally appear before the Commission at its office at Muskogee, Indian Territory, within 60 days from date hereof, and give testimony relative to the above facts.

You are further informed that before such testimony can be taken it will be necessary that the attorneys for the Choctaw and Chickasaw Nations be informed of the date and place of the taking of such testimony and that proof of service of such notice be filed with this Commission.

This matter should receive your immediate attention.

Respectfully,

Register.

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10/30/03

Red Bowes Com -
1 copy testimony of
Jesse Sells Dec 7285

M C R 7285

Muskogee, Indian Territory, December 31, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you request a copy of the testimony taken at this office on December 21st, in the Mississippi Choctaw case of Oliver Sills, et al.

Complying with your request there is enclosed herewith one copy of such testimony.

Respectfully,

Chairman.

MoM 101

M.C.R. 7285.

COPY.

Muskogee, Indian Territory, April 6, 1904.

Oliver Sills,
Pittsburg, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Oliver Sills et al., including you and your children Lizzie Sills and Perry Sills.

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

Respectfully,

(SIGNED)

I. B. Neaves.

Commissioner in Charge.

Registered.

M.C.R. 7285.

COPY.

Muskogee, Indian Territory, April 6, 1904.

J. A. Hurley,
Attorney at Law,
Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Oliver Sills et al.

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 7285.

COPY.

Muskogee, Indian Territory, April 6, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Oliver Sills et al.

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Inc. M.C.R. 7285.

COPY.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,
The Secretary of the Interior,
Sir:

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

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 B. Bixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 7285.

MOR 7285

Muskogee, Indian Territory, January 15, 1906.

Mansfield, McMurray & Cornish,

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

Gentlemen:

The Secretary of the Interior on November 23, 1905, returned to this office the record in the matter of the application for the identification of Oliver Sills and his two minor children, Lizzie and Perry Sills, as Mississippi Choctaws, reversing the decision of the Commission to the Five Civilized Tribes of March 15, 1904, adverse to the applicants, and directing that the case be readjudicated in accordance with the suggestions contained in an opinion of the Assistant Attorney General for the Department of the Interior of November 17, 1905.

The Assistant Attorney General for the Department states:

"As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Minge Homer, &c., Captain Bob, claimed with Minge-he-mah, &c., Captain Bob, of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established.

You will note that the Department in reversing the decision of the Commission to the Five Civilized Tribes only does so in so far as said Commission found that Minge Homer (Hemoh or Hmah) or Captain Bob, through whom the applicants claim, was not

W McM & C 2

the identical Captain Bob, alias Min-go-ho-nah, or Min-go-ho-mah, who was a scrip beneficiary under the 14th article of the Choctaw treaty of 1830.

There is enclosed herewith for your information, copy of Departmental letter of November 23, 1905, of the opinion of the Assistant Attorney General of November 17, 1905, and the report of the Acting Commissioner of Indian Affairs of August 5, 1904.

The applicant, Oliver Sills, has this day been advised that if he desires to submit additional testimony tending to establish the fact that he and his children are the descendants of Min-go-ho-nah, or Min-go-ho-mah, who was a scrippee under the 14th article of the treaty of 1830, he should file with this office within thirty days from the date hereof, an application for a rehearing. This application or petition for rehearing must be sworn to by the applicant and state the names of the witnesses, their post office addresses, and the substance of the testimony that they will be able to give. The applicant was further advised that said petition must bear proof of service of a copy thereof upon you as attorneys for the Choctaw and Chickasaw Nations.

If, in the opinion of the Commissioner, the petition alleges sufficient facts, if true, to warrant a rehearing, the same will be granted. All parties in interest will then be notified of a day certain upon which the applicant will be permitted

M McK & C 3

to introduce the testimony of witnesses at the office of the Commissioner at Muskogee, Indian Territory.

Respectfully,

Commissioner.

McK 15/12

MOR 7265

Muskogee, Indian Territory, January 15, 1906.

Oliver Sills,
Pittsburg, Texas.

Dear Sir:

The Secretary of the Interior on November 23, 1905, returned to this office the record in the matter of your application for the identification of yourself and your two minor children, Lizzie and Perry Sills, as Mississippi Choctaws, reversing the decision of the Commission to the Five Civilized Tribes of March 15, 1904, adverse to you and your two children, and directing that the case be readjudicated in accordance with the suggestions contained in an opinion of the Assistant Attorney General for the Department of the Interior November 17, 1905.

The Assistant Attorney General for the Department states:

"As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Minge Homer, &c., Captain Bob, claimed with Mingo-he-mah, &c., Captain Bob, of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established."

You will note that the Department in reversing the decision of the Commission to the Five Civilized Tribes only does so in so far as said Commission found that Minge Homer (Hemah or Hemah) or Captain Bob, through whom you claim, was not the identi-

Oliver Bills 2

cal Captain Bob, alias Min-go-ho-nah, or Min-go-ho-mah, who was a scrip beneficiary under the 14th article of the Choctaw treaty of 1830.

There is enclosed herewith for your information, copy of Departmental letter of November 23, 1905, of the opinion of the Assistant Attorney General of November 17, 1905, and the report of the Acting Commissioner of Indian Affairs of August 5, 1905.

If you desire to submit additional testimony tending to establish the fact that you and your children are the descendants of Min-go-ho-nah, or Min-go-ho-mah, who was a scrippee under the 14th article of the treaty of 1830, you should file with this office within thirty days from the date hereof, an application for a rehearing. This application or petition for rehearing should be sworn to by you and should state the names and post office addresses of the witnesses whose testimony will be submitted, and the substance of such testimony. The petition must bear proof of service of a copy thereof upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

If, in the opinion of the Commissioner, the petition alleges sufficient facts, if true, to warrant a rehearing, the same will be granted; and you and the attorneys for the Choctaw and Chickasaw Nations will be notified of a day certain upon which

Oliver Sills 3

you will be permitted to introduce the testimony of your witnesses
at the office of the Commissioner at Muskogee, Indian Territory.

Respectfully,

Commissioner.

McM 15/10

MCR 7285

Muskogee, Indian Territory, January 18, 1906.

J. A. Hurley,
Attorney at Law,
Sulphur Springs, Texas.

Dear Sir:

The Secretary of the Interior on November 23, 1905, returned to this office the record in the matter of the application for the identification of Oliver Sills and his two minor children, Lizzie and Perry Sills, as Mississippi Choctaws, reversing the decision of the Commission to the Five Civilized Tribes of March 15, 1904, adverse to the applicants, and directing that the case be readjudicated in accordance with the suggestions contained in an opinion of the Assistant Attorney General for the Department of the Interior of November 17, 1905.

The Assistant Attorney General for the Department states:

"As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, &c., Captain Bob, claimed with Mingo-ho-mah, &c., Captain Bob, of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established."

You will note that the Department in reversing the decision of the Commission to the Five Civilized Tribes only does so in so far as said Commission found that Mingo Homer (Homeh or Hemah) or Captain Bob, through whom the applicants claim, was not

J A H 2

the identical Captain Bob, alias Min-go-ho-nah, or Min-go-ho-mah, who was a scrip beneficiary under the 14th article of the Choctaw treaty of 1830.

There is enclosed herewith for your information, copy of Departmental letter of November 23, 1905, of the opinion of the Assistant Attorney General of November 17, 1905, and the report of the Acting Commissioner of Indian Affairs of August 5, 1904.

If Oliver Sills desires to submit additional testimony tending to establish the fact that he and his children are the descendants of Min-go-ho-nah, or Min-go-ho-mah, who was a scrippee under the 14th article of the treaty of 1830, he should file with this office within thirty days from the date hereof, an application for a rehearing. This application or petition for rehearing should be sworn to by him and should state the names and post office addresses of the witnesses whose testimony will be submitted, and the substance of such testimony. The petition must bear proof of service of a copy thereof upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

If, in the opinion of the Commissioner, the petition alleges sufficient facts, if true, to warrant a rehearing, the same will be granted. You, your client, Oliver Sills, and the attorneys for the Choctaw and Chickasaw Nations will be notified of a day certain upon which the applicant will be permitted to

J A H S

introduce the testimony of witnesses at the office of the Commissioner at Muskogee, Indian Territory.

Respectfully,

Commissioner.

McM 15/11

MOR 7285

COPY

Muskogee, Indian Territory, January 24, 1906.

Todd & Hurley,
Attorneys at Law,
Texarkana, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant, requesting to be advised if the testimony already introduced in the Mississippi Choctaw case of Oliver Sills, et al. will be considered in connection with such additional evidence as may be submitted in the event that a rehearing is granted in said case.

In reply you are advised that the record as heretofore made in the Mississippi Choctaw case of Oliver Sills, et al. will be considered together with such additional proceedings as may be had, but the testimony already on file does not establish the fact upon which the case hinges, namely - That Oliver Sills and his children are the descendants of Min-go-ho-nah, or Min-go-ho-mah, who was a scrippee under the 14th article of the Choctaw treaty of 1830.

Respectfully,

Wm. O. Beall.
Acting Commissioner

MCR 7285

COPY

Muskogee, Indian Territory, January 27, 1906.

J. A. Hurley,
Attorney at Law,
Texarkana, Texas.

Dear Sir:

In compliance with your request of the 24th instant, there are herewith enclosed copies of the testimony in the matter of the application of Oliver Sills, et al. for identification as Mississippi Choctaws. There is no charge for the same.

You are further advised that several depositions were filed in this case, but the only way by which you could secure copies thereof would be to send some reliable person to this office for that purpose.

Respectfully,

SIGNED *Wm. O. Beall*
Acting Commissioner.

McM XX

M C R 7285

COPY.

Muskogee, Indian Territory, April 6, 1906.

Oliver Sills,
Pittsburg, Texas.

Dear Sir:

In accordance with the instructions contained in Departmental letter of November 23, 1905 (I T D 6296-1904, 15392-1905), a copy of which was enclosed with letter to you from this office under date of January 15, 1906, you are advised that on Tuesday, May 8th, 1906, at nine o'clock A. M., at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may be presented in support of the Mississippi Choctaw application of Oliver Sills, et al.

Respectfully,

SIGNED *Wm. O. Doall.*

Acting Commissioner.

Registered.

M G R 7285

COPY.

Muskogee, Indian Territory, April 6, 1906.

W. R. Heath,

Attorney at Law,

Pittsburg, Texas.

Dear Sir:

Replying to your letter of February 12, 1906, you are hereby notified that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Tuesday, May 8th, 1906, at nine o'clock A. M., hear the testimony of such witnesses as may be presented in support of the Mississippi Choctaw application of Oliver Sills, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

M C R 7285

COPY.

Muskogee, Indian Territory, April 6, 1906.

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

Gentlemen:

In accordance with instructions contained in Departmental letter of November 23, 1905 (I T D 6296-1904, 15392-1905), a copy of which was enclosed with letter to you from this office under date of January 15, 1906, you are advised that on Tuesday, May 8th, 1906, at nine o'clock A. M., at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may be presented in support of the Mississippi Choctaw application of Oliver Sills, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

K C R 7265

COPY.

Muskogee, Indian Territory, April 6, 1906.

Todd & Hurley,
Attorneys at Law,
Texarkana, Texas.

Gentlemen:

In accordance with the instructions contained in Departmental letter of November 23, 1905 (I T D 6296-1904, 15392-1905), a copy of which was enclosed with letter to you from this office under date of January 15, 1906, you are advised that on Tuesday, May 8th, 1906, at nine o'clock A. M., at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may be presented in support of the Mississippi Choctaw application of Oliver Sills, et al.

Respectfully,

Wm. O. Beall.

Asting Commissioner.

Registered.

MOR-7285

COPY

Muskogee, Indian Territory, October 1, 1906.

Oliver Sills,
Pittsburg, Texas.

Dear Sir:-

You are hereby notified that a representative of the Commissioner to the Five Civilized Tribes will be at the court house of Titus County at Mt. Pleasant, Texas, at eight o'clock A. M., Monday October 8, 1906, for the purpose of hearing your testimony and the testimony of such witnesses as you may desire to present in support of the application heretofore made by you for the identification of yourself and two minor children, Lizzie and Perry Sills, as Mississippi Choctaws.

It is desired that you and your witnesses appear promptly at the time and place designated.

Respectfully,

SIGNED

Wams Bixby.

Commissioner.

Registered.

MOR-7285

COPY

Muskogee, Indian Territory, October 1, 1906.

J. D. Wilson,
Mt. Pleasant, Texas.

Dear Sir:-

You are hereby notified that a representative of the Commissioner to the Five Civilized Tribes will be at the court house, of Titus County, at Mt. Pleasant, Texas, Monday October 3, 1906, at eight o'clock A. M., for the purpose of hearing such testimony as may be given by you in support of the Mississippi Choctaw application of Oliver Sills et al.

Respectfully,

SIGNED *Tams Bixby.*

Registered.

Commissioner.

MCR-7285

COPY

Muskogee, Indian Territory, October 1, 1906.

J. A. Hurley,
Attorney at Law,
Texarkana, Texas.

Dear Sir:-

Referring to your letter of May 21, 1906, relative to the application filed by you April 24, 1906, for a Commission to take the deposition of one J. D. Wilson who resides near Mt. Pleasant in Titus County, Texas, to be filed in support of the Mississippi Choctaw claim of Oliver Sills et al, you are advised that a representative of the Commissioner to the Five Civilized Tribes will be at the court house, of Titus County, at Mt. Pleasant, Texas, on the morning of October 8, 1906, at eight o'clock, for the purpose of hearing the testimony of said J. D. Wilson and such other witnesses as may be presented in support of the Mississippi Choctaw case of Oliver Sills et al.

It is desired that you present your witnesses promptly at the time and place above mentioned.

Notice of this hearing has this day been furnished the principal applicant, Oliver Sills, attorney W. R. Heath and J.

J. A. H. - - - - (2)

D. Wilson, also Mansfield, McMurray and Cornish, attorneys for
the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wams Bixby*

Registered.

Commissioner.

YCR-7285

COPY

Muskogee, Indian Territory, October 1, 1906.

W. R. Heath,
Attorney at Law,
Pittsburg, Texas.

Dear Sir:-

You are hereby notified that a representative of the Commissioner to the Five Civilized Tribes will be at the court house, of Titus County, at Mt. Pleasant, Texas, on the morning of Monday October 8, 1906, at eight o'clock, for the purpose of hearing the testimony of one J. D. Wilson and such other witnesses as may be presented in support of the Mississippi Choctaw case of Oliver Sills et al.

It is desired that this hearing take place promptly at the hour designated.

Respectfully,

SIGNED

Tams Bixby.

Registered.

Commissioner.

MJR-7285

COPY

Muskogee, Indian Territory, October 1, 1906.

Mansfield, McMurray and Cornick,

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

Gentlemen:-

On April 24, 1906, this office received from J. A. Hurley, attorney at law, Texarkana, Texas, an application, together with proof of service of a copy thereof upon you as attorneys for the Choctaw and Chickasaw Nations, for a Commission to take the deposition of one J. D. Wilson who resides in Titus County, Texas, near Mt. Pleasant.

The application to take such deposition was not granted. However, you are advised that a representative of the Commissioner will be at the court house of Titus County, at Mt. Pleasant, Texas, on Monday October 8, 1906, at eight o'clock A. M., for the purpose of hearing the testimony of said J. D. Wilson and such other witnesses as may be introduced in support of the Mississippi Choctaw claim of Oliver Sills et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Registered.

COPY

Muskogee, Indian Territory, January 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The Department, under date of November 23, 1905 (I T D 6296-1904, 15392-1905), returned to the Commissioner the record in the Mississippi Choctaw case of Oliver Sills, et al., M C R 7285. The record in this case shows that original application was made at Muskogee, Indian Territory, on March 23, 1903, by Oliver Sills of Pittsburg, Texas, then about sixty years of age, for the identification of himself and his two minor children as Mississippi Choctaws.

In reference to the application for the identification of his children Sills was questioned on March 23, 1903, as follows:

- Q How many minor children have you? Under twenty one and unmarried? A Seven; only two that-a-way.
Q What are the names of those children? A Lizzie Sills, nineteen;
Q Next? A Perry (boy) Sills, seventeen.
Q Then this application is for yourself and two minor children?
A Yes sir."

It would appear from this testimony that at the time of the submission of his application Sills had seven children, only two of whom were specifically named.

The depositions of Epsay Minter and Isaac Jackson were subsequently filed and made a part of the record in this case.

A further hearing was had in the case before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on December 21, 1903, at which time the testimony of I. L. Adair of Pittsburg, Texas, a witness on behalf of the applicants, was submitted, and there was also filed the affidavit of J. W. Long relative to the physical condition of Isaac Jackson.

The Commission to the Five Civilized Tribes on March 15, 1904, rendered a decision in the case refusing the application for the identification of Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws. In this decision it was stated that the applicants claimed their right to identification as Mississippi Choctaws "by reason of being descendants of Mingo Homer (or Homoh, or Homah, or Captain Bob), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and Francis Homer (or Homoh, or Homah), nee Murphy, who is alleged to have been a Choctaw Indian, degree of blood not stated."

Reference was also made in said decision to a Captain Bob, alias Min-go-ho-nah, and the members of his family, who were beneficiaries under the 14th article of the treaty of 1830. The Commission stated however- "It does not appear from the evidence submitted by the applicants herein that Mingo Homer (or Homoh, or Homah, or Captain Bob), through whom they claim, is the identical Captain Bob, alias Min-go-ho-nah, or Min-go-ho-nah, whose name ap-

(3)

pears in the records above cited."

The original record in the case with the decision of the Commission to the Five Civilized Tribes of March 15, 1904, was transmitted the Department April 22, 1904, and was the subject of the report of the Acting Commissioner of Indian Affairs of August 5, 1904 (Land 28264-1904), in which he stated as follows:

"Notwithstanding the claim of the applicants of descent from Mingo-homa, a fourteenth article beneficiary, which claim has not been conclusively established, it is admitted by the applicants that Frances Murphy was a slave and that Lydia Sills, her daughter, was in existence in 1830 and she too was a slave at that time.

No slaves were recognized as citizens of the Choctaw Nation in 1830, and therefore persons descended from a slave of 1830 cannot be accepted as entitled to identification as Mississippi Choctaws, and especially so in this case in view of the doubt which arises as to the actual descent of the applicants from Mingo-homa."

The Acting Commissioner of Indian Affairs, in view of the evidence, recommended the approval of the decision of the Commission to the Five Civilized Tribes of March 15, 1904.

It further appears that the case was submitted to the Assistant Attorney-General for the Department of the Interior on June 30, 1905, for an opinion thereon, which was rendered, and approved by the Secretary of the Interior November 17, 1905 (I T D 6296-1904).

The Assistant Attorney-General after reviewing the evidence in the case expressed the opinion -

"That the Commission to the Five Civilized Tribes clearly erred in basing their judgment upon lack of proof of identity of Mingo Homer, &c., Captain Bob, under whom Sills

(4)

claimed, with the Mingo-ho-mah, &c., Captain Bob, who was a successful and recognized claimant under Article XIV of the treaty of 1850, shown in the record. As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, &c., Captain Bob, claimed with Mingo-ho-mah, &c., Captain Bob, of the records of 14th article claimants, in the absence of any proof to the contrary, was fully and conclusively established."

The Department in returning the record to the Commissioner on November 23, 1905 (I T D 6296-1904, 15392-1905), reversed the decision of the Commission to the Five Civilized Tribes of March 15, 1904, adverse to the applicants and directed the readjudication thereof in accordance with the suggestions of the Assistant Attorney-General.

In remanding the case the Department, However, stated as follows:

"Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony, you are authorized to grant a rehearing, provided application therefor be made to you showing the names and post-offices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations."

January 15, 1906, Oliver Sills, Pittsburg, Texas; J. A. Hurley, Sulphur Springs, Texas, the attorney for the applicants; and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were furnished copies of Departmental letter of November 23, 1905, the opinion of the Assistant Attorney-General

of November 17, 1905, and the report of the Acting Commissioner of Indian Affairs of August 5, 1904, and were advised that a rehearing of the case would be permitted if the views of the Department in reference thereto were complied with.

February 16, 1906, there was filed with the Commissioner a motion or petition of Oliver Sills praying for a rehearing in the case, and for thirty days time within which to procure and submit additional evidence. This motion bears proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations. The motion was granted by the Commissioner, and on April 6, 1906, the parties in interest were notified that on May 8, 1906, at nine o'clock A. M., a hearing would be had before the Commissioner at his office at Muskogee, Indian Territory, in the Mississippi Choctaw case of Oliver Sills, et al.

April 24, 1906, there was received by this office a motion or petition to take the deposition of J. D. Wilson, of Mt. Pleasant, Texas, to be read in evidence in the Mississippi Choctaw case of Oliver Sills, et al. Attached to this motion or petition were the interrogatories to be propounded on behalf of the applicants to the witness J. D. Wilson, and proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

On the day set for the oral hearing in the matter, May 8, 1906, no personal appearance was entered by the applicants, their attorneys, the attorneys for the Choctaw and Chickasaw Nations, or

(6)

any witnesses on behalf of either party in interest. No commission was issued by the Commissioner to take the testimony of J. D. Wilson of Mt. Pleasant, Titus County, Texas, in deposition form.

October 1, 1906, the Commissioner notified the parties in interest that a representative of the Commissioner would, at the court house of Titus County, Mt. Pleasant, Texas, on Monday, October 8, 1906, hear the testimony of J. D. Wilson and any other witnesses that might be presented in support of the application of Oliver Sills, et al.

A hearing was had in the case at Mt. Pleasant, Texas, October 8, 1906, at which time the testimony of J. D. Wilson, a witness on behalf of the applicants, was submitted. At this hearing the applicants were represented by J. A. Hurley and W. R. Heath, attorneys; no appearance being entered on behalf of the Choctaw and Chickasaw Nations.

I now have the honor to return herewith the original record in the Mississippi Choctaw case of Oliver Sills, et al., with the additional proceedings had by this office in conformity with the Department's instructions of November 23, 1906.

The only additional proceedings of any materiality in this case is the testimony of J. D. Wilson, of Mt. Pleasant, Texas, of October 8, 1906. Mr. Wilson testifies that he is about seventy-six years of age, and that he was located in the State of Mississippi for a short period in the year 1840; that he was present in Newton

(7)

County, Mississippi, when Lydia, the mother of Oliver Sills, was sold by her owner, a Mr. Murphy, to a slave trader, and that Mingo-Homah, who appeared to be an Indian Chief, was "taking on" about Lydia being sold. The testimony of Wilson is reasonably corroborated by the original record in the case and it is a fair assumption from the evidence now before this office that Oliver Sills is the descendant of a beneficiary under the 14th article of the treaty of 1830, through his mother Lydia Sills.

Inasmuch as the original decision of the Commission to the Five Civilized Tribes of March 15, 1904, adverse to the applicants was reversed by the Department in its letter of November 23, 1905, I would respectfully recommend that I now be authorized to identify Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws, under the provisions of the 14th article of the treaty of 1830.

If this recommendation is concurred in by the Department, I have to request specific instructions as to what further action, if any, should be taken by this office in reference to the other children of Oliver Sills referred to in his testimony of March 23, 1903, as hereinabove quoted, and for whom no formal application has ever been made to the Commission to the Five Civilized Tribes or its successor for identification as Mississippi Choctaws.

Permit me in this connection to invite the attention of the Department to its letter of October 22, 1906, in reference to the children of Susan S. Burton.

Through the Commissioner
of Indian Affairs.
Enclosure.

Respectfully,

SIGNED

Wams Rixby.
Commissioner.

M C R 7285

COPY

Muskogee, Indian Territory, January 2, 1907.

J. A. Hurley,

Attorney at Law, Pacific Express Company Bldg.,
Texarkana, Texas.

Dear Sir:

Referring to your letter of October 31, 1906, you are advised that the record in the Mississippi Choctaw case of Oliver Sills, et al., together with favorable report thereon, has this day been transmitted to the Secretary of the Interior.

Respectfully,

SIGNED *Wm. H. King*
Commissioner.

Refer in reply to
the following:

(COPY)

Land.
1687-1907.

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

January 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 2nd instant from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that the Department, under date of November 23, 1905 (I.T.D. 6296-1904, 15392-1905), returned to him the record in the Mississippi Choctaw case of Oliver Sills, et al., which record shows that the original application was made at Muskogee on March 23, 1903, by Oliver Sills of Pittsburg, Texas, then about 80 years of age, for the identification of himself and his two minor children as Mississippi Choctaws.

The Commissioner quotes from the evidence given by Sills, mentions other proceedings had in the case, and says that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered a decision in the case refusing the application for the identification of Oliver Sills, Lizzie Sills and Perry Sills, as Mississippi Choctaws, and that in this decision it was held that the applicants claimed their right to identi-

fication as Mississippi Choctaws

. . . by reason of being descendants of Mingo-homer (or -omoh, or -omah, or Captain Bob), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and Francis-homer (or -hemoh, or -homah), nee Murphy, who is alleged to have been a Choctaw Indian, degree of blood not stated."

He also mentions the reference in the decision to a Captain Bob, alias Min-go-ho-nah, and the members of his family who were beneficiaries under the 14th article of the treaty of 1830, and wherein the Commission said:

It does not appear from the evidence submitted by the applicants herein that Mingo-homer (or -homoh, or -homah, or Captain Bob), through whom they claim, is the identical Captain Bob, alias Min-go-ho-nah, or Min-go-ho-mah, whose name appears in the records above cited.

On its transmittal for Departmental action the case was the subject of report of this Office of August 5, 1904, and the Commissioner quotes therefrom as follows:

Notwithstanding the claim of the applicants of descent from Mingo-homa, a fourteenth article beneficiary, which claim has not been conclusively established, it is admitted by the applicants that Frances Murphy was a slave and that Lydia Sills, her daughter, was in existence in 1830 and she too was a slave at that time.

No slaves were recognized as citizens of the Choctaw Nation in 1830, and therefore persons descended from a slave of 1830 cannot be accepted as entitled to identification as Mississippi Choctaws, and especially so in this case in view of the doubt which arises as to the actual descent of the applicants from Mingo-homa,

and recommended the approval of the decision of the Commission

to the Five Civilized Tribes.

The case was referred by the Department to the Assistant Attorney General for the Department of the Interior, who, on June 30, 1905, submitted an opinion holding

That the Commission to the Five Civilized Tribes clearly erred in basing their judgment upon lack of proof of identity of Mingo Homer, etc., Captain Bob, under whom Sills claimed, with the Mingo-ho-mah, etc., Captain Bob, who was a successful and recognized claimant under Article XXV of the treaty of 1850, shown in the record. As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, etc., Captain Bob, claimed with Mingo-ho-mah, etc., Captain Bob, of the records of the 14th article claimants, in the absence of any proof to the contrary, was fully and conclusively established.

In returning the record to the Commissioner on November 23, 1905, the Department reversed the decision of the Commission of March 5, 1904, adverse to the applicants, and directed the readjudication of the case in accordance with the suggestions of the Assistant Attorney General, and said:

Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony, you are authorized to grant a rehearing, provided application therefor be made to you showing the names and post-offices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations.

In pursuance of the directions by the Department, notice was given to the parties of a further hearing in the case, but no other testimony was taken except at a hearing had

at Mount Pleasant, Texas, October 8, 1906, at which the testimony of J. D. Wilson, a witness on behalf of the applicants, was submitted.

The Commissioner returns the original record in the case with the transcript of the additional proceedings had by his office in conformity with the Department's instructions, and says that the only additional proceeding of any materiality in the case is the testimony of J. D. Wilson, wherein he testifies that he is about 76 years of age and that he was located in the State of Mississippi for a short time in the year 1840; that he was present in Newton County, Mississippi, when Lydia, the mother of Oliver Sills, was sold by her owner, Mr. Murphy, to a slave trader, and that Wingo-homah, who appeared to be an Indian chief, was "taking on" about Lydia's being sold. He finds that the testimony of Wilson is reasonably corroborated by the original record in the case, and that it is a fair assumption from the evidence now in the record that Oliver Sills is the descendant of a beneficiary under the 14th article of the treaty of 1830 through his mother, Lydia Sills.

Inasmuch as the original decision of the Commission to the Five Civilized Tribes of March 15, 1904, was reversed by the Department, Mr. Bixby recommends that he now be authorized to identify Oliver Sills, Lizzie Sills and Perry Sills as Mississippi Choctaws under the provisions of the 14th article of the treaty of 1830.

5.

He further says that if this recommendation is approved by the Department, he requests specific instructions as to what further action, if any, should be taken by his office in reference to the other children of Oliver Sills referred to in his testimony of March 23, 1903, as hereinbefore quoted, and for whom no formal application has ever been made to the Commission to the Five Civilized Tribes, or its successor, for identification as Mississippi Choctaws, and in this connection he invites the attention of the Department to its letter of October 22, 1906, in reference to the children of Susan S. Burton.

~~In view of the holding of the Department in this case,~~ and the opinion of the Assistant Attorney General, also the strengthening of the testimony originally submitted, by the testimony of J. D. Wilson, I concur in the recommendation of the Commissioner that he be authorized to identify Oliver Sills and his children, Lizzie and Perry Sills, as Mississippi Choctaws.

On the strength of the holding of the Department of October 22, 1906, in the case of Susan S. Burton, which applies with equal force to the situation in this case, I recommend that the Commissioner be directed to take steps to secure proof concerning the other children of Oliver Sills for whom no formal application for identification was made when he originally appeared before the Commission and whose existence was brought to the attention of the Commission at the time.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KHH-Y.



FORM T. P.
(20734)

TELEGRAM

POSTAL TELEGRAPH-CABLE COMPANY OF TEXAS.

This Company transmits and delivers messages subject to the terms and conditions printed on the back of this blank.
S. M. ENGLISH, General Manager.

COUNTER NUMBER.

TIME FILED.

CHECK.

M.

Send the following message, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

To

Muskogee, I.T., February 4, 1907.

190

The Honorable

The Secretary of the Interior,

Washington, D. C.

Referring to order of Department of March one directing identification of five adult children of Oliver Sills identified Mississippi Choctaw twenty five twenty four, and my telegram of March two, on this date Mary Johnson, Catherine Ivey and Alice Ivey, children of Oliver Sills, appeared before this office and submitted proof of removal to and settlement within the Choctaw and Chickasaw Country for themselves and children. Children of Mary Johnson, and their ages, are, John William, twenty; Caledonia, seventeen; Carrie fifteen; Ade, thirteen; Pearline, nine; Willie, six; and Allie two. Children of Catherine Ivey, are, Lizzie, twenty; McNeely, eighteen; Hardy, sixteen; Melissa, fourteen; Annie, twelve; Silla, eleven; Quinnie, ten; Lemon, eight; Bertha, five; and Flemmen, two. Lizzie Ivey is of age and married and has made no appearance. Children of Alice Ivey, are, Levi, twenty-one; Louis, twenty; Simmy, nineteen; James, seventeen; Thomas, sixteen; Lillie, fifteen; and Joseph, twelve. Levi Ivey of age and has made no appearance. Lizzie Sills, now Ivey, identified Mississippi Choctaw twenty five twenty five, has one child, Ola, six. Lizzie Sills, Thomas Sills and Daniel Sills, have made no appearance. All of above parties reside in Texas, and I am of the opinion the proof of removal to and settlement within the Choctaw and Chickasaw Country submitted by Mary Johnson, Catherine Ivey and Alice Ivey for themselves and children, is not sufficient to warrant their enrollment as Mississippi Choctaws. Record in the matter will be transmitted Department today.

O.B.G.R.

BIXBY, Commissioner.

OK

BXB.

Muskogee, Indian Territory, February 13, 1907

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a schedule containing the names of Oliver, Lissie and Perry Sills, Mississippi Choctaws, opposite numbers 2524, 2525 and 2526 respectively.

January 2, 1907, in returning to the Department the remanded record in this case I recommended that the persons above named be identified as Mississippi Choctaws. In the event said recommendation is concurred in by the Department, it is respectfully requested that the schedule herewith transmitted be approved.

Respectfully,

Signed Tams Bixby
Commissioner.

Through the Commissioner
of Indian Affairs.

Enclosures.

MCR-7288

Muskogee, Indian Territory, February 15, 1907.

Chief Clerk,
Chickasaw Land Office,
Arkmore, Indian Territory.

Dear Sir:-

There is enclosed herewith, for your information and the records of your office, copy of a letter dated February 13, 1907, addressed to the Secretary of the Interior submitting a schedule of identified Mississippi Choctaws containing the names of Oliver, Lissie and Perry Sills, opposite Nos. 2524, 2525 and 2526, respectively. A copy of identified Mississippi Choctaw card No. 913, whereon the names of these persons appear, was furnished your office on the 15th instant.

Respectfully,

WLM.
Encl. 15/10

Commissioner.

MOR-7285

Muskogee, Indian Territory, February 15, 1907.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:-

There is enclosed herewith, for your information and the records of your office, copy of a letter dated February 13, 1907, addressed to the Secretary of the Interior submitting a schedule of identified Mississippi Choctaws containing the names of Oliver, Lizzie and Perry Sills, opposite Nos. 2524, 2525 and 2526, respectively. A copy of identified Mississippi Choctaw card No. 915 whereon the names of these persons appear was furnished your office on the 15th instant.

You are hereby instructed to permit the said Oliver Sills, upon his personal appearance at your office, to submit testimony relative to the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of himself and his two children Lizzie and Perry Sills.

Respectfully,

WLM.
Encl. 15/1

Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

O.K.

I.T.D. 5460-1907.

February 28 , 1907.

L.R.S.

Direct:

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

Sir:

In accordance with the approved opinion of the Assistant Attorney General for this Department, of February 27, 1907 (I.T.D. 5460), copy whereof is enclosed for your guidance, you are directed to identify as Mississippi Choctaws, Oliver Sills and his children Lizzie Sills and Perry Sills, and his minor children referred to in his testimony of March 23, 1903, in accordance with the departmental action in the case of Nicholas Charles (or Charles), I. T. D. 3954-1907, and the case of George W. Morrison et al.

You will advise applicants and their attorneys of this action.

Copy of Indian Office letter of January 14, 1907 (Land 1687), relative hereto, is enclosed.

The record has this day been returned to the files of the Indian Office, together with a copy hereof.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

AFMc
3-1-07

2 inc. and 3 inc. for Ind. Of.

J.W.H.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General,

I.T.D.
856-1907.

Washington.

February 27, 1907.

The Secretary of the Interior.

Sir:

By reference of February 21, 1907, I am in receipt of the papers in the matter of the application of Oliver Sills et al. for identification as Mississippi-Chestaws. My opinion is requested as to whether the applicants are entitled to be so identified.

The letter of reference sets forth the race and descent of the parties and the basis of the claim asserted by them, as follows:

Oliver Sills, a resident of Texas, where he has resided since 1868, was born of slave parents in slavery in Pike County, Georgia, in 1841, or 1842. When ten years old, he was taken by Friend Sills, a slave trader (who also owned his mother, Lydia Sills, as a slave in Pike County, Georgia, in 1840), to Alabama, where he and his sister, Virginia Sills, became the slaves of Isaac L. Adair. The father of Oliver Sills was Tom Sills, a negro slave of no Indian blood. It is claimed that Oliver Sills' mother, Lydia Sills, though a slave, was a three-quarter Chestaw Indian, born about 1820, in Newton County, Mississippi, and the daughter of Kingehamah, alias Captain Bob, a full-blood Chestaw Indian Chief, and his alleged wife of 1830, Frances Murphy, "who was the slave of Mr. Murphy". It is claimed that applicants' paternal ancestor is identical with Kingehamah or Captain Bob, chief of Chunker Band of Chestaw Indians, who became a beneficiary under Article 14 of the Treaty of 1830, and had then a wife named Ke-hab-che and certain named children.

In a report dated January 2, 1907, the Commissioner to

the Five Civilized Tribes, recommended that he be authorized to identify the applicants as Mississippi-Cheetawa, his conclusion, after ^{re}hearing, being as follows:

It is a fair assumption from the evidence now before this office that Oliver Sills is the descendant of a beneficiary under the 14th article of the treaty of 1830, through his mother Lydia Sills.

The Indian Office is also of opinion that the applicants are entitled to identification, and in a report, dated January 14, 1907, the Acting Commissioner said:

In view of the holding of the Department in this case, and the opinion of the Assistant Attorney General, also the strengthening of the testimony originally submitted, by the testimony of J. D. Wilson, I concur in the recommendation of the Commissioner that he be authorized to identify Oliver Sills and his children, Lizzie and Perry Sills, as Mississippi-Cheetawa.

My prior opinion in this case, referred to by the Indian Office, was rendered November 17, 1905. Taking into consideration the admixture of African and Indian blood and their alleged descent, I then said:

As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, Ac., Captain Bob, claimed with Mingo-he-mah, Ac., of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established.

Now, that both the Commissioner to the Five Civilized Tribes and the Acting Commissioner of Indian Affairs find, in

view of the additional testimony, that the claim alleged has been reasonably established, I am satisfied that said opinion should be adhered to.

In the letter of reference my attention is called to the decision of the Commissioner to the Five Civilized Tribes of October 28, 1902, in the Malissa Williams case, holding that "no freedman is entitled to identification as a Mississippi-Choctaw", and to the Indian Office letter of February 11, 1907, "concurring in said view." As to this feature of the matter it is sufficient to say that said decision of the Commission to the Five Civilized Tribes was rendered prior to my opinion of November 17, 1905, and that the recommendation of the Indian Office in the Williams case was not based, as represented in the letter of reference, upon the supposed bar to the identification of freedmen, but rather upon lack of evidence of descent from a 14th article beneficiary.

That persons of mixed African and Indian blood may be identified where the proof is sufficient to establish descent from a 14th article beneficiary was found to be the proper rule in the case of Jim Gift et al., considered at length in departmental decision of November 23, 1904, wherein the facts were fully set forth as to the applicants' blood and descent. The reports of the Indian Office, dated December 16, 1902, and November 2, 1904, were also in favor of the applicants in Gift's

case.

I have also examined a copy of Indian Office letter of January 3, 1907, mentioned in the letter of reference, but find nothing therein affecting applicants whose basis of claim is descent from one who was entitled to the benefits of article 14 of the treaty of 1830 (7 Stat., 333, 335).

It seems that, in addition to those named in the record before me, there were other children of Oliver Sills concerning whom reference was made in his testimony of March 23, 1903. In view of the ruling made in departmental letter of October 22, 1906, relative to the children of Susan S. Burton, the Commissioner desires to be instructed as to what further proceedings should be had. The Indian Office considers that the course pursued in the Burton case should be followed in the present case as to the offspring of Sills, referred to, but not named, in his original application. In this view I also concur.

It is therefore my opinion, and I so advise you, that Oliver Sills and his children, Lizzie and Perry Sills, should be identified as Mississippi-Chocetaws, and that further proceedings should be taken concerning his other children in

accordance with the rule prescribed by the Department in
said letter of October 22, 1906.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: February 27, 1907.

E. A. Hitchcock,

Secretary.

Refer in reply to
the following:

(COPY)

Land.
1687-1907.

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

January 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 2nd instant from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that the Department, under date of November 23, 1905 (I.T.D. 6296-1904, 15392-1905), returned to him the record in the Mississippi Choctaw case of Oliver Sills, et al., which record shows that the original application was made at Muskegee on March 23, 1903, by Oliver Sills of Pittsburg, Texas, then about 60 years of age, for the identification of himself and his two minor children as Mississippi Choctaws.

The Commissioner quotes from the evidence given by Sills, mentions other proceedings had in the case, and says that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered a decision in the case refusing the application for the identification of Oliver Sills, Lizzie Sills and Perry Sills, as Mississippi Choctaws, and that in this decision it was held that the applicants claimed their right to identi-

fication as Mississippi Choctaws

. . . by reason of being descendants of Mingo-homer (or -omah, or -omah, or Captain Bob), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and Francis-homer (or -homoh, or -homah), nee Murphy, who is alleged to have been a Choctaw Indian, degree of blood not stated."

He also mentions the reference in the decision to a Captain Bob, alias Min-go-ho-nah, and the members of his family who were beneficiaries under the 14th article of the treaty of 1830, and wherein the Commission said:

It does not appear from the evidence submitted by the applicants herein that Mingo-homer (or -homoh, or -homah, or Captain Bob), through whom they claim, is the identical Captain Bob, alias Min-go-ho-nah, or Min-go-ho-mah, whose name appears in the records above cited.

On its transmittal for Departmental action the case was the subject of report of this Office of August 5, 1904, and the Commissioner quotes therefrom as follows:

Notwithstanding the claim of the applicants of descent from Mingo-homa, a fourteenth article beneficiary, which claim has not been conclusively established, it is admitted by the applicants that Frances Murphy was a slave and that Lydia Sills, her daughter, was in existence in 1830 and she too was a slave at that time.

No slaves were recognized as citizens of the Choctaw Nation in 1830, and therefore persons descended from a slave of 1830 cannot be accepted as entitled to identification as Mississippi Choctaws, and especially so in this case in view of the doubt which arises as to the actual descent of the applicants from Mingo-homa,

and recommended the approval of the decision of the Commission

to the Five Civilized Tribes.

The case was referred by the Department to the Assistant Attorney General for the Department of the Interior, who, on June 30, 1905, submitted an opinion holding

That the Commission to the Five Civilized Tribes clearly erred in basing their judgment upon lack of proof of identity of Wingo Homer, etc., Captain Bob, under whom Sills claimed, with the Mingo-ho-mah, etc., Captain Bob, who was a successful and recognized claimant under Article XLV of the treaty of 1830, shown in the record. As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Mingo Homer, etc., Captain Bob, claimed with Mingo-ho-mah, etc., Captain Bob, of the records of the 14th article claimants, in the absence of any proof to the contrary, was fully and conclusively established.

In returning the record to the Commissioner on November 23, 1905, the Department reversed the decision of the Commission of March 5, 1904, adverse to the applicants, and directed the readjudication of the case in accordance with the suggestions of the Assistant Attorney General, and said:

Neither of the parties to the case has applied for a rehearing. If, however, either party desires to submit additional testimony, you are authorized to grant a rehearing, provided application therefor be made to you showing the names and post-offices of the witnesses whose testimony will be submitted and the substance of such testimony, and bearing proper evidence of service upon the other parties in interest, due notice hereof to be given both the applicants and the nations.

In pursuance of the directions by the Department, notice was given to the parties of a further hearing in the case, but no other testimony was taken except at a hearing had

at Mount Pleasant, Texas, October 8, 1906, at which the testimony of J. D. Wilson, a witness on behalf of the applicants, was submitted.

The Commissioner returns the original record in the case with the transcript of the additional proceedings had by his office in conformity with the Department's instructions, and says that the only additional proceeding of any materiality in the case is the testimony of J. D. Wilson, wherein he testifies that he is about 76 years of age and that he was located in the State of Mississippi for a short time in the year 1840; that he was present in Newton County, Mississippi, when Lydia, the mother of Oliver Sills, was sold by her owner, Mr. Murphy, to a slave trader, and that Mingo-homah, who appeared to be an Indian chief, was "taken on" about Lydia's being sold. He finds that the testimony of Wilson is reasonably corroborated by the original record in the case, and that it is a fair assumption from the evidence now in the record that Oliver Sills is the descendant of a beneficiary under the 14th article of the treaty of 1830 through his mother, Lydia Sills.

Inasmuch as the original decision of the Commission to the Five Civilized Tribes of March 15, 1904, was reversed by the Department, Mr. Bixby recommends that he now be authorized to identify Oliver Sills, Lissie Sills and Perry Sills as Mississippi Choctaws under the provisions of the 14th article of the treaty of 1830.

8.

He further says that if this recommendation is approved by the Department, he requests specific instructions as to what further action, if any, should be taken by his office in reference to the other children of Oliver Sills referred to in his testimony of March 23, 1903, as hereinbefore quoted, and for whom no formal application has ever been made to the Commission to the Five Civilized Tribes, or its successor, for identification as Mississippi Choctaws, and in this connection he invites the attention of the Department to its letter of October 22, 1906, in reference to the children of Susan S. Burton.

In view of the holding of the Department in this case, and the opinion of the Assistant Attorney General, also the strengthening of the testimony originally submitted, by the testimony of J. D. Wilson, I concur in the recommendation of the Commissioner that he be authorized to identify Oliver Sills and his children, Lizzie and Perry Sills, as Mississippi Choctaws.

On the strength of the holding of the Department of October 22, 1906, in the case of Susan S. Burton, which applies with equal force to the situation in this case, I recommend that the Commissioner be directed to take steps to secure proof concerning the other children of Oliver Sills for whom no formal application for identification was made when he originally appeared before the Commission and whose existence was brought to the attention of the Commission at the time.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Y.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

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Government Collect.

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

1000, I. I. No. 1, 1907.

Washington, D.C.

In a letter dated March 11, 1907, I received
your bill for the use of the Western Union
cable, for the month of February, 1907. The
bill is for \$1.00 and is not correct. The
cable was used for the month of February, 1907,
and the bill should be for \$2.00. I am
sending you a check for \$2.00, which
will cover the bill and the charge for
the use of the cable. Please accept
this check in full payment of the bill
and the charge for the use of the cable.

Yours faithfully,
The Western Union

READ THE NOTICE AND AGREEMENT ON BACK.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

O.K.

I.T.D. 5460-1907.

February 28, 1907.

L.R.S.

Direct:

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

Sir:

In accordance with the approved opinion of the Assistant Attorney General for this Department, of February 27, 1907 (I.T.D. 5460), copy whereof is enclosed for your guidance, you are directed to identify as Mississippi Choctaws, Oliver Sills and his children Lizzie Sills and Perry Sills, and his minor children referred to in his testimony of March 23, 1903, in accordance with the departmental action in the case of Nicholas Charles (or Charles), I. T. D. 3954-1907, and the case of George W. Morrison et al.

You will advise applicants and their attorneys of this action.

Copy of Indian Office letter of January 14, 1907 (Land 1687), relative hereto, is enclosed.

The record has this day been returned to the files of the Indian Office, together with a copy hereof.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

AFMc
3-1-07

2 inc. and 6 inc. for Ind. Of.

J.W.K.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General,

I.T.D.
856-1907.

Washington.

February 27, 1907.

The Secretary of the Interior.

Sir:

By reference of February 21, 1907, I am in receipt of the papers in the matter of the application of Oliver Sills et al. for identification as Mississippi-Chestaws. My opinion is requested as to whether the applicants are entitled to be so identified.

The letter of reference sets forth the race and descent of the parties and the basis of the claim asserted by them, as follows:

Oliver Sills, a resident of Texas, where he has resided since 1865, was born of slave parents in slavery in Pike County, Georgia, in 1841, or 1843. When ten years old, he was taken by Friend Sills, a slave trader (who also owned his mother, Lydia Sills, as a slave in Pike County, Georgia, in 1840), to Alabama, where he and his sister, Virginia Sills, became the slaves of Isaac L. Adair. The father of Oliver Sills was Tom Sills, a negro slave of no Indian blood. It is claimed that Oliver Sills' mother, Lydia Sills, though a slave, was a three-quarter Chestaw Indian, born about 1820, in Newton County, Mississippi, and the daughter of Mingshemah, alias Captain Bob, a full-blood Chestaw Indian Chief, and his alleged wife of 1830, Frances Murphy, "who was the slave of Mr. Murphy". It is claimed that applicants' paternal ancestor is identical with Mingshemah or Captain Bob, chief of Chunker Band of Chestaw Indians, who became a beneficiary under Article 14 of the Treaty of 1820, and had then a wife named Mo-hah-che and certain named children.

In a report dated January 2, 1907, the Commissioner to

the Five Civilized Tribes, recommended that he be authorized to identify the applicants as Mississippi-Chectaws, his conclusion, after ^{re}hearing, being as follows:

it is a fair assumption from the evidence now before this office that Oliver Sills is the descendant of a beneficiary under the 14th article of the treaty of 1830, through his mother Lydia Sills.

The Indian Office is also of opinion that the applicants are entitled to identification, and in a report, dated January 14, 1907, the Acting Commissioner said:

In view of the holding of the Department in this case, and the opinion of the Assistant Attorney General, also the strengthening of the testimony originally submitted, by the testimony of J. D. Wilson, I concur in the recommendation of the Commissioner that he be authorized to identify Oliver Sills and his children, Lizzie and Perry Sills, as Mississippi-Chectaws.

My prior opinion in this case, referred to by the Indian Office, was rendered November 17, 1905. Taking into consideration the admixture of African and Indian blood and their alleged descent, I then said:

As the judgment of the Commission was based upon a clearly erroneous conception of the effect of evidence before it, the decision should be reversed and the case readjudicated upon the basis that identity of the ancestor Minge Homer, Ac., Captain Bob, claimed with Minge-he-mah, Ac., of the records of 14th article claimants, in absence of any proof to the contrary, was fully and conclusively established.

Now, that both the Commissioner to the Five Civilized Tribes and the Acting Commissioner of Indian Affairs find, in

view of the additional testimony, that the claim alleged has been reasonably established, I am satisfied that said opinion should be adhered to.

In the letter of reference my attention is called to the decision of the Commissioner to the Five Civilized Tribes of October 28, 1902, in the Malissa Williams case, holding that "no freedman is entitled to identification as a Mississippi-Choctaw", and to the Indian Office letter of February 11, 1907, "concurring in said view." As to this feature of the matter it is sufficient to say that said decision of the Commission to the Five Civilized Tribes was rendered prior to my opinion of November 17, 1905, and that the recommendation of the Indian Office in the Williams case was not based, as represented in the letter of reference, upon the supposed bar to the identification of freedmen, but rather upon lack of evidence of descent from a 14th article beneficiary.

That persons of mixed African and Indian blood may be identified where the proof is sufficient to establish descent from a 14th article beneficiary was found to be the proper rule in the case of Jim Gift et al., considered at length in departmental decision of November 23, 1904, wherein the facts were fully set forth as to the applicants' blood and descent. The reports of the Indian Office, dated December 18, 1902, and November 2, 1904, were also in favor of the applicants in Gift's

case.

I have also examined a copy of Indian Office letter of January 3, 1907, mentioned in the letter of reference, but find nothing therein affecting applicants whose basis of claim is descent from one who was entitled to the benefits of article 14 of the treaty of 1830 (7 Stat., 333, 335).

It seems that, in addition to those named in the record before me, there were other children of Oliver Sills concerning whom reference was made in his testimony of March 23, 1903. In view of the ruling made in departmental letter of October 22, 1906, relative to the children of Susan S. Burton, the Commissioner desires to be instructed as to what further proceedings should be had. The Indian Office considers that the course pursued in the Burton case should be followed in the present case as to the offspring of Sills, referred to, but not named, in his original application. In this view I also concur.

It is therefore my opinion, and I so advise you, that Oliver Sills and his children, Lissie and Perry Sills, should be identified as Mississippi-Chestaws, and that further proceedings should be taken concerning his other children in

accordance with the rule prescribed by the Department in
said letter of October 22, 1906.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: February 27, 1907.

E. A. Hitchcock,
Secretary.

Muskogee, Indian Territory, March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of a telegram dated March 1, 1907, from Mr. McGarr, the employee of my office now in Washington, as

follows:

"Commissioner Five Tribes,
Muskogee, I.T.
Ordered to identify Oliver Sills and his children, Lizzie and Perry Sills as Mississippi Choctaws. Also to identify five other children referred to on page two of his testimony taken at Muskogee March twenty-third, nineteen three. Can your office furnish names of these five children? If so please wire them.

A. F. McGarr."

Owing to the shortness of the time at your disposal for the consideration of enrollment matters I make my report direct.

It appears from the records of this office that Oliver Sills and his two children, Lizzie and Perry Sills, were identified by the Commissioner as Mississippi Choctaws January 2, 1907, their names appearing opposite Nos. 2524, 2525 and 2526, respectively, upon a schedule of duly identified Mississippi Choctaws.

Immediately after the identification of these persons as Mississippi Choctaws, they were notified of such action of the Commissioner and were informed that it was necessary for them to

(2)

remove to and permanently locate in the Choctaw or Chickasaw Nation and make proof of such removal and settlement before they would be entitled to be enrolled as Mississippi Choctaws entitled to allotments.

Several notices have been sent to Oliver Sills and his representatives, urging haste in this matter, but not until last night about 11:30 did he appear before this office for the submission of proof of his removal to and settlement within the Choctaw-Chickasaw country. Such testimony was taken at that time and is herewith transmitted for your information.

From said testimony it appears that the said Oliver Sills has resided with his wife and one child, Perry Sills, for sometime at or near Pittsburg, Texas. The said Perry Sills is an adult twenty-two years of age, but lives with his father, and it is alleged, is an imbecile.

The daughter, Lizzie Sills, whose name appears opposite No. 2525 on the schedule of identified Mississippi Choctaws, is now married to one Ivey and is living with him in the State of Texas. The other adult children referred to in the testimony of Oliver Sills taken at Muskogee on March 23, 1903, are named Alibe Ivey, Mary Johnson, Catherine Ivey, Thomas Sills and Daniel Sills. These persons are all adults and are living in the State of Texas apart from their father, the said Oliver Sills.

It further appears from the testimony submitted on March 1st that the said Alice Ivey is the mother of Levi Gingles, James Sills, Louis, Sim, Thomas, Lillie and Joseph Ivey; that the said Mary Johnson is the mother of Pearline, Willie, John William, Calidonia, Corrine, A. D., and an infant in arms, unnamed; that the said Catherine Ivey is the mother of Lizzie, McMeely, Hard, Quinnie, Bertha, Plummy D., Annie, Lemon, Flemmings and Drucilla Ivey; that the said Lizzie Ivey is the mother of an infant unnamed; that the said Thomas Sills is the father of Lemon Sills and that Daniel Sills is the father of one child, name not given.

The names and ages of these grandchildren of Oliver Sills were obtained with as much accuracy as was possible under the circumstances.

From this testimony I am of the opinion that bona fide settlement within the Choctaw-Chickasaw country as contemplated by the Act of Congress approved July 1, 1902 (32 Stats., 641), has not been made by the said Oliver Sills or any members of his family.

In his testimony he admits that his present trip to the Indian Territory is "a visit", that he has a home in the State of Texas, where his wife and one child now reside; that he intends to return to that home and probably remain there for an indefinite time, or until a lease which he now holds on a parcel of land in Texas has expired.

(4)

In view of the above, I cannot find that the said Oliver Sills or any members of his family are entitled to be enrolled as Mississippi Choctaws under the Act of July 1, 1902, and I recommend that the Department refuse to enroll him or any members of his family as such.

On this date I transmitted a telegram to the Department as follows:

"On March first Oliver Sills identified Mississippi Choctaw twenty-five hundred twenty-four appeared before this office and submitted proof of removal to and settlement within Choctaw-Chickasaw country for himself and his child, Perry Sills, identified Mississippi Choctaw twenty-five hundred twenty-six. It appears that his child, Lizzie Sills, identified Mississippi Choctaw twenty-five hundred twenty-five, is now married and resides with her husband in State of Texas. From testimony of Oliver Sills it appears that his five adult children mentioned in testimony taken at Muskogee March twenty-third, nineteen three, are named Alice Ivey, Mary Johnson, Catherine Ivey, Thomas Sills and Daniel Sills and at the present time reside in the State of Texas. I am of opinion the proof of removal to and settlement within Choctaw-Chickasaw country submitted by Oliver Sills is not sufficient to warrant his enrollment as a Mississippi Choctaw. Record in the matter will be transmitted the Department today."

This telegram is confirmed. The record in the matter is herewith transmitted for your consideration.

Respectfully,

DIRECT.

Commissioner.

Enc.

DIRECT.

Muskogee, Indian Territory, March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to my telegram of this date relative to proof of removal to and settlement in the Choctaw-Chickasaw country of the adult children of Oliver Sills, a Mississippi Choctaw, whose name appears opposite No. 2524, there is inclosed herewith a copy of the testimony taken in said matter.

Respectfully,

Commissioner.

L.B.A. 4-1.

DIRECT.

Muskogee, Indian Territory, March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to my telegram of this date relative to proof of removal to and settlement in the Choctaw-Chickasaw country of the adult children of Oliver Sills, a Mississippi Choctaw, whose name appears opposite No. 2524, there is inclosed herewith a copy of the testimony taken in said matter.

Respectfully,

Commissioner.

L.B.A. 4-1.

DIRECT.

Muskogee, Indian Territory, March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to my telegram of this date relative to proof of removal to and settlement in the Choctaw-Chickasaw country of the adult children of Oliver Hills, a Mississippi Choctaw, whose name appears opposite No. 2524, there is inclosed herewith a copy of the testimony taken in said matter.

Respectfully,

Commissioner.

L.B.A. 4-1.

COPY

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

Muskogee, Indian Territory, March 6, 1907.

DIRECT.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to Departmental letter of February 28, 1907 (I.T.D. 5460-1907), referring to the identification of Oliver Sills and his children as Mississippi Choctaws, M. C. R. 7288, and which was made, by reason of telegraphic advice, the subject of a wire to you on March 2, 1907, same being confirmed by a letter bearing even date.

In connection therewith, the second telegram dated March 4, 1907, seemed necessary, it being as follows:

"Referring to order of Department of March one directing identification of five adult children of Oliver Sills identified Mississippi Choctaw twenty five twenty four, and my telegram of March two, on this date Mary Johnson, Catherine Ivey and Alice Ivey, children of Oliver Sills, appeared before this office and submitted proof of removal to and settlement within the Choctaw and Chickasaw Country for themselves and children. Children of Mary Johnson, and their ages, are, John William, twenty; Caledonia, seventeen; Carrie, fifteen; Adee, thirteen; Pearlina, nine; Willie, six; and Allie two. Children of Catherine Ivey, are, Lissie, twenty; McNealy, eighteen; Hardy, sixteen; Melissa, fourteen; Annie, twelve; Silla, eleven; Quinnie, ten; Lemen, eight; Bertha, five, and Fienmen, two. Lissie Ivey is of age and married and has made no appearance. Children of Alice Ivey, are, Levi, twenty-one; Louis, twenty; Simmy, nineteen; James, seventeen; Thomas, sixteen; Lillie, fifteen; and Joseph, twelve. Levi Ivey of age and has made no appearance. Lissie Sills, now Ivey, identified Mississippi Choctaw twenty five twenty five, has one child, Ola, six. Lissie Sills, Thomas Sills and

Daniel Bills, have made no appearance. All of above parties reside in Texas, and I am of the opinion the proof of removal to and settlement within the Choctaw and Chickasaw Country submitted by Mary Johnson, Catherine Ivey and Alice Ivey for themselves and children, is not sufficient to warrant their enrollment as Mississippi Choctaws. Record in the matter will be transmitted Department today."

and this letter confirms same.

There is herewith transmitted copy of the testimony of Catherine Ivey, Alice Ivey and Mary Johnson, offered as aforesaid, on March 4, 1907, as proof of their removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stats. 641).

From said testimony it seems that the parties came to the Indian Territory for the sole purpose of entering an appearance before this office prior to March 4, 1907. Their homes are still in the State of Texas, and not only are they considerably undecided as to whether they will remove to the Indian Territory, but absolutely so as to the time within which a removal, if any, will take place.

The matter of the grand-children of the said Oliver Bills was again entered into for the purpose of identifying them with as much accuracy as possible, for any action that you might deem necessary to take.

Respectfully,

STONE

Camis Re.

ENC 1 encl.

Commissioner.

DEPARTMENT OF THE INTERIOR, D.C.

LMS.

WASHINGTON.

I.T.D. 1803-1907.

March 13, 1907.

1400- *
 7904- *
 8194- *
 8200- *
 8212- *
 8500- *

D.C. 14413.

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

Sir:

The Department is in receipt of your reports of March 2, 1907, March 4, 1907, and March 6, 1907, relative to the right to enrollment as Mississippi Choctaws of Oliver Sills, his children, and grandchildren, the subject of the approved opinion of the Assistant Attorney-General for this Department of February 27, 1907 (I.T.D. 8468).

You submitted testimony of Oliver Sills and his married daughters, Catherine Ivy, Alice Ivy, and Mary Johnson, taken before you March 1, 1907, and March 4, 1907, tending strongly to show that on March 2, 1907, applicants were then residents of the State of Texas, and had not actually removed therefrom and made their final settlement in the Choctaw-Chickasaw country on or prior to March 4, 1907, but applicants proved their intention of subsequently removing permanently to the nation of the

event of their enrollment.

The Department agrees with your conclusions that under existing law and upon the proof submitted, applicants are not entitled to enrollment as Mississippi Choctaws.

Respectfully,

J. A. Garfield,

Through the Commissioner
of Indian Affairs.

Secretary.

MCR-7285.

Muskogee, Indian Territory, March 29, 1907.

W. R. Heath,
Attorney at Law,
Pittsburg, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 19, 1907, requesting to be informed as to the status of the applications of Oliver Sills et al, M.C.R. 7285, for identification as Mississippi Choctaws, and whether they can now file or make record of their selection of allotments.

In reply thereto, you are advised that on January 2, 1907, Oliver Sills, Lizzie Sills and Perry Sills were identified as Mississippi Choctaws. Their names appear opposite numbers 2524, 2525 and 2526 respectively, and that by Departmental letter dated February 28, 1907, the identification was ordered of Alice Ivey, Mary Johnson, Catherine Ivey, Daniel Sills and Thomas Sills, the same being the five children mentioned but not named in the original application of March 23, 1903.

You are further advised that in accordance with Departmental decision of March 15, 1907, the proof of their

removal to and settlement within the Choctaw-Chickasaw country was not considered sufficient to entitle them to enrollment as Mississippi Choctaws. Inasmuch as the Secretary of the Interior has no jurisdiction to approve the enrollment of any person after March 4, 1907, the said Oliver Sills et al., under existing legislation, are barred from the final perfection of their rights as Mississippi Choctaws.

Respectfully,

Acting Commissioner.

MS-7288

Muskogee, Indian Territory, April 2, 1907.

W. A. Hurley,
Attorney at Law,
Texarkana, Texas.

Dear Sir:

For your information there is enclosed herewith
copy of Departmental letter of March 15, 1907, relative to
the right of Oliver Sills et al. to enrollment as Mississippi
Choctaws.

Respectfully,

WLM.
Encl. 2/2

Acting Commissioner.

MCR-7285

Muskogee, Indian Territory, April 11, 1907.

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

Gentlemen:-

For your information there is enclosed herewith copy of Departmental letter of March 15, 1907, relative to the failure of Oliver Sills et al. to submit satisfactory proof of their removal to and settlement within the Choctaw-Chickasaw country, Indian Territory.

Although Oliver Sills and his two children, Lizzie and Perry Sills, have been identified as Mississippi Choctaws, the testimony submitted relative to their removal and settlement was not considered sufficient to warrant their enrollment as Mississippi Choctaws.

Respectfully,

WLM.
Encl. 11/3

Acting Commissioner.

MOR-7285

Muskogee, Indian Territory, April 11, 1907.

Oliver Sills,
Pittsburg, Texas.

Dear Sir:-

For your information there is enclosed herewith copy of Departmental letter of March 15, 1907, relative to the failure of yourself and children to submit satisfactory proof of removal to and settlement within the Choctaw-Chickasaw country, Indian Territory.

You will note that, although you and your two children, Lizzie and Perry Sills, have been identified as Mississippi Choctaws, the testimony submitted relative to your removal and settlement was not considered sufficient to warrant your enrollment as Mississippi Choctaws. Therefore you are not at this time entitled to select any land as your allotments in the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

WLM.
Encl. 11/1

Acting Commissioner.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To J. D. Wilson,

Mt. Pleasant, Titus County,

Texas.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at the Court House in ~~the~~ Mt. Pleasant, ~~Arkansas~~.

~~Indian Territory~~, on the 8th day of October, 8 A.M. 1906, to testify before said Commissioner in the matter of the application of Oliver Sills, et al.

for identification as Mississippi Choctaw Indians.

Dated at Muskogee, I. T. this 1st day of October, 1906.


Commissioner.

I am
~~the~~ grandchild of John Sells
as stated by their mother in his presence and
and hearing ^{at one time and under said conditions} and reduced to ~~writing~~ this writing

Alice	Ivey	Finley Switch
Mary	Johnson	Naples.
Catherine	Ivey	Pittsburg
Lizzie	Ivey	"
Thomas	Sells	Texas
Daniel	"	Pittsburg "
Perry	"	Pittsburg

Alice { James. Working away from home
 Tommie
 Lemon

Daniel { Has 1.
 Lives at Mt Pleasant
 Texas

Mary { Has 5 or 6
 Caldonia

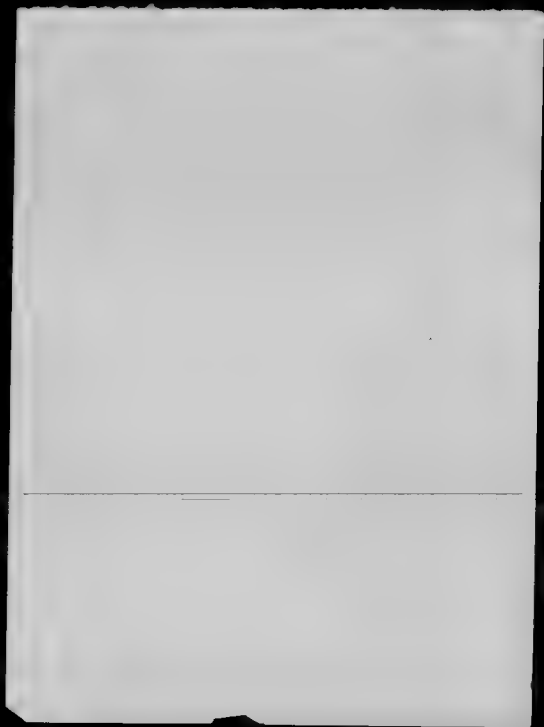
Perry { none

Catherine { Has about 10 or 11
 Mr Melly
 Hard
 Lizzie

Lizzie { Has 2
 Hard

Thomas { Lemon

DEPARTMENT OF THE INTERIOR
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES



Office Day
Mary Johnson
Catherine Day
Dinner Bills
Thomas Siles

Orders identified by letter
2/8/07 (21 & 246 187)

Identified 2/8/07

1 2 & 3 submitted proof
of removal and settlement

Wait for Mr. S.
putting them on cards.

See testimony in packet

FOR IDENTIFICATION AS A MISSISSIPPI CITIZEN.

Date 3-23-1908

Name Oliver Sills

Age 60 Blood $\frac{1}{2}$

Post Office, Pillsburg Tex

Father: Tom Sills D.

Mother: Lydia " D. Dec

Claims through

mother

Wife Harriet Sills

Children:

Lizzie Sills	19
Perry	17

Stenographer

H. J. Hammers

Choctaw MCR 7286

Salina Farve

MCR 7286

Salina Farrow et al

DEPARTMENT OF THE INTERIOR MAR 19 1904

Mar 19-5

IDENTIFIED MAR 12 1904

NOTICE OF DECISION MAILED AT ATTORNEYS MAR 16 1904

FOR CHOCTAW AND CHICKASAW NATIONS. MAR 16 1904

DECISION RENDERED AUG 12 1904

RECEIVED AUG 12 1904

NOTICE OF DECISION MAILED APPLICANT: AUG 12 1904

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. AUG 12 1904

NOTICE OF DECISION FORWARDED ATTORNEYS. AUG 1904

RECORD FORWARDED DEPARTMENT: AUG 30 1904

REMANDED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

FILED 5 1907

RECORD FORWARDED DEPARTMENT.

389 12 1907

REFER TO M. G. R. 7289
Supplemental to 2518.

ACTION OF DEPARTMENT OF THE INTERIOR.

NOTICE OF DECISION FORWARDED ATTORNEYS. CHON 1907

ACTION OF DEPARTMENT OF THE INTERIOR FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION FORWARDED TO CHOCTAW AND CHICKASAW NATIONS.

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

Herein is the record in the matter of the application of
Salina Farve, et al., for identification as Mississippi Choctaws,
M.C.R. 7286.

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

In the matter of the application of Salina Farve, et al.,
for identification as Mississippi Choctaws, M.C.R. 7286.

I N D E X .

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Original application of Salina Farve, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission identify- ing Salina Farve, Joseph Yearby, Thomas Yearby, Christie Yearby and Mary Yearby as Mississippi choctaws,.....	6

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

-oOo-

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

Salina Farve, et al., M.C.R. 7286
Charley S. Farve, et al., M.C.R. 7289.

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

	(Page)
Original application of Salina Farve, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Charley S. Farve, et al., to the Dawes Commission for identi- fication as Mississippi Choctaws-----	6
Decision of the Commission refusing the ap- plications for identification as Mississippi Choctaws-----	10
Decision of the Commission	

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7286

In the matter of the application of Salina Farve for the identification of herself and her husband, Charlie Farve, and their minor child, Turner Farve, as Mississippi Choctaws, also for the minor brothers and sisters of the principal applicant, Joseph, Thomas, Christie and Mary Yearby.

J.G.Ralls, attorney for applicants:

Salina Farve being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Salina Farve.
Q How old are you? A Twenty three.
Q What is your post office address? A Ardmore, I.T.
Q How long have you lived there? A Two months.
Q Where did you live before that? A Bay st.Louis, Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life till you came to the Indian Territory?
A Yes sir.
Q What is your father's name? A Simon Yearby.
Q Is he living? A No.
Q What is your mother's name? A Celestine Farve.
Q Is she living? A No.
Q When did she die? A About three years ago.
Q Was your father a full blood Choctaw Indian? A Yes.
Q How long has your father been dead? A About four years.
Q Was your mother a full blood Choctaw Indian? A Yes.
Q How long has she been dead? A Over three years.
Q Celestine Farve was your mother's maiden name? A Yes sir.
Q You claim your Choctaw blood through both of your parents?
A Yes.
Q How much Choctaw blood do you claim to have? A Full blood.
Q What was the name of your father's father? A Tom Tikela-Yearby.
Q Your grandfather is living, is he not? A No sir.
Q When did he die? A Two years ago.
Q What was the name of your father's mother? A Sallie.
Q Is she living? A No.
Q How long has she been dead? A About ten years.
Q Is your mother's father living? A No.
Q What was his name? A Charles Farve.
Q Is your mother's mother living? A No.
Q What was her name? A Leesa Steut.
Q Is that her maiden name? A Yes.
Q Were your father and mother through whom you claim your right to identification as Mississippi Choctaws ever recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Are you married? A Yes.

- Q What is your husband's name? A Charlie Farve.
Q How much Choctaw blood has he? A Half.
Q You are sure he is half Choctaw? A Yes.
Q Is he living? A Yes.
Q What is his father's name? A Jack Farve.
Q Is Jack Farve living? A Yes.
Q What is Charlie's mother's name? A Mary.
Q Is Mary living? A No sir, she's dead.
Q Through which parent does your husband claim his Choctaw blood?
A Both of them.
Q How much Choctaw blood did Jack have? A One quarter.
Q How much Choctaw blood did Mary have? A Three quarters.
Q Do you know the name of the parents of Jack Farve? A Charlie Farve.
Q What is the name of Jack's mother? A Sallie.
Q Through which one of Jack's parents did he claim his Choctaw blood? A His father.
Q H's father, Charlie Farve was half blood? A Yes sir.
Q How old is Jack Farve? A Forty six.
Q How old would Charlie, Jack's father, be if living now?
A I don't know.
Q What is the name of Mary Farve's father? A Edward.
Q What is the name of Mary's mother? A Tobie.
Q How much Choctaw blood did Edward have? A One fourth.
Q How much Choctaw blood did Tobie have? A She was full blood.
Q Then your husband's mother, Mary, would be 5/8 instead of 3/4.
A Yes sir.
Q And your husband would be 7/16 instead of a half? A Yes sir.
Q Have either of your husband's parents, through whom you claim for him the right to identification as Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Do you wish to make application for your husband? A Yes.
Q Have you any children for whom you wish to apply? A One.
Q What is its name? A Turner Farve.
Q How old is Turner? A One year.
Q You are the mother of this child? A Yes sir.
Q And Charlie is the father? A Yes.
Q This child claims its Choctaw blood through both of you? A Yes; I want to make application for my minor brothers and sisters.
Q What are the names and ages of your brothers and sisters?
A Joseph Yearby, 19; Thomas Yearby, 17; Christie Yearby, 14; Mary, 6.
Q These are full brothers and sisters of yours? A Yes.
Q Simon Yearby is their father? A Yes.
Q And Celestine the mother? A Yes.
Q They claim their Choctaw blood then through the same source that you do? A Yes.
Q This application then is for yourself, your husband, one minor child, and four minor brothers and sisters? A Yes.
Q Do you claim these brothers and sisters of yours are full blood Choctaw Indians? A Yes.
Q And they live with you at your home? A Yes.
Q Is your name or are the names of these minor persons for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or anyone for you or for your husband or any of your brothers and sisters ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe? A No sir.
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in behalf of your husband or any of your minor brothers or

sisters? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article 14 of the treaty of 1830? A Yes.

Q Do you understand article fourteen? A Yes.

It reads as follows:

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

Q Is that the provision of law under which you are claiming the right to identification as Mississippi Choctaws for yourself, your husband and minor brothers and sisters? A Yes sir.

Q Did any of your Choctaw ancestors or any of your husband's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I don't know.

Q Have all of your Choctaw ancestors so far as you know been full blood Choctaw Indians? A Yes.

Q Do you know whether any of your Choctaw ancestors or any of your husband's ancestors ever received any land from the Government in Mississippi under the provisions of article 14 of the treaty of 1830? A I don't know.

Q Have all of your Choctaw ancestors and all of your husband's always lived in Mississippi? A Yes.

In 1837 and 1842 Congress appointed Commissions who went to Mississippi and heard claims of many Choctaws who claimed under article 14 of the treaty of 1830; these Commissions were appointed because of the fact that the agent who was stationed in Mississippi at that time had failed to report to the Government the names of many Indians who had signified to the agent their intention to stay in the old Choctaw Nation and comply with the provisions of article fourteen of the treaty of 1830- and on this account had been deprived of their land.

Q Did any of your Choctaw ancestors or your husband's ancestors appear before either of these Commissions and attempt to establish rights under the provisions of article 14 of the treaty of 1830?

A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830, he should be entitled to select land, in case his had been sold by the government, in either of the States of 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 or your husband's Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A No.

Q So far as you know all of your Choctaw ancestors have always been full blood Choctaws but you know of no land or scrip that they obtained from the Government? A No.

Q Do you speak the Choctaw language? A Yes.

This applicant has the appearance of being a full blood Choctaw; speaks and understands the Choctaw language but has no knowledge of any compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

Applicant is excused, and Charlie Farve is called and sworn:

Q What is your name? A Charlie Farve.

Q How old are you? A Twenty four.

Q What is your post office address? A Ardmore.

Q How long have you lived there? A Two ~~years~~ months.

Q Where did you live before that? A Bay St. Louis, Mississippi.

Q Were you born in Mississippi? A Yes.

Q Lived there all your life till you came to the territory?

A Yes sir.

Q You are the husband of the principal applicant, Salina? A Yes.

Q What is your father's name? A Jack.

Q Is he living? A Yes.

Q Has he ever made any application to the Commission? A No.

Q What is your mother's name? A Mary.

Q Is she living? A No.

Q How much Choctaw blood did your father have? A One fourth.

Q And your mother? A He mother was a full blood and her father was a fourth.

Q That would make her five eighths? A Yes.

Q Do you know whether any of your Choctaw ancestors ever received any land from the Government in Mississippi under article fourteen of the treaty of 1830? A No.

Q Do you know whether any of your Choctaw ancestors appear before the United States Indian agent within six months from the ratification of the treaty of 1830 and told him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the States? A No sir, I don't know.

- Q Do you know whether any of your Choctaw ancestors ever received or claimed any land under article 14 of the treaty of 1830? A No.
- Q Do you know whether any of your Choctaw ancestors were living in Mississippi in 1830 when this treaty was made? A No sir.
- Q How old is your father now? A Forty six.
- Q How old would his father be if living? A I don't know; he went to war.
- Q Do you know the Indian names of any of your ancestors? A Tobie
- Q Is that your grandmother, on your mother's side? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors received any benefits as Choctaw Indians? A No sir.
- Q Do you know if any of your Choctaw ancestors received any scrip from the Government? A No.
- Q Are you able to give any additional information in regard to your ancestors any farther than has been given by your wife? A No sir.
- Q Her testimony regarding your ancestors is correct? A Yes sir.
- Q You claim 7/16 Choctaw blood? A Yes sir.

This applicant, Charlie Farve, the husband of the principal applicant in this case, has the appearance of possessing mixed blood, white and Choctaw, in which the white blood predominates; he has black hair, blue eyes; has no knowledge of any compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

- Q Your blood other than 7/16 Choctaw is white? A Yes sir.
- Q Have you any relatives who have appeared before this Commission prior to this time? A Yes sir.
- Q What are their names? A Jim Farve; cousin.
- Q What relation is Seymore Farve to you? A An uncle.
- Q That's your father's half brother? A Yes, half brother.

Reference is made to the case of Seymour Farve, M.C.R. 2421.

R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} June, 1903.

Charles L. Sawyer

Notary Public.

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

In the matter of the application of Salina Farve, et al.,
for identification as Mississippi Choctaws, M.C.R. 7286.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 23, 1903, by Salina Farve for herself, her husband, Charlie Farve, her minor child, Turner Farve, and her minor brothers and sisters, Joseph, Thomas, Christie and Mary Yearby, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

From the evidence submitted in support of said application it appears that Salina Farve, Joseph Yearby, Thomas Yearby, Christie Yearby and Mary Yearby are full-blood Mississippi Choctaw Indians. The other applicants herein are mixed blood Choctaws, and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.

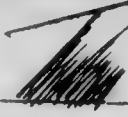
Section forty-one of the act of Congress entitled "An Act

To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902. (32 Stat., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

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

It is, therefore, the opinion of this Commission that Salina Farve, Joseph Yearby, Thomas Yearby, Christie Yearby and Mary Yearby should be identified as Mississippi Choctaws, and it is so ordered.

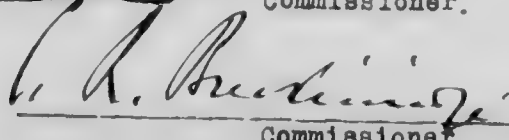
COMMISSION TO THE FIVE CIVILIZED TRIBES.



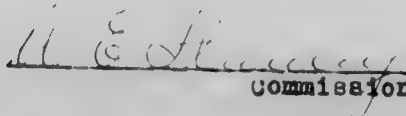
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

MAR 12 1904

COPY.

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

-oOo-

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

Salina Farve, et al., M.C.R. 7286
Charley S. Farve, et al., M.C.R. 7289

---: 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 Salina Farve for herself, her husband, Charlie Farve, her minor child, Turner Farve, and her four minor brothers and sisters, Thomas, Joseph, Christie and Mary Yearby; and by Charley S. Farve for himself, his wife, Annie Farve, and his three minor children, Forest, Alvin and Annie Farve, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 495):

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

From the records of the Commission it appears that Saline Farve, Thomas Yearby, Joseph Yearby, Christie Yearby and Mary Yearby who are full-blood Mississippi Choctaw Indians, were, on March 12, 1904, duly identified by this Commission as Mississippi Choctaws under the provisions of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed blood Choctaws, and as such do not come within the purview of said section.

It also appears that Charlie Farve, one of the applicants in M C R 7285 claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jack Farve, who is alleged to have been an one-half blood Choctaw Indian, Edward, who is alleged to have been an one-quarter blood Choctaw Indian, and Tobie, who is alleged to have been a full-blood Choctaw Indian; that Turner Farve, a minor applicant in M C R 7286 claims said rights by reason of being a descendant of the above named ancestors and Tom Tikela (or Tikeli) Yearby, Sallie Yearby, Charles Farve and Leesa Farve, nee Stout, all of whom are alleged to have been full-blood Choctaw Indians; that the principal applicant in M C R 7289 claims said rights by reason of being a descendant of Nancy Yearby and Celeste Thomas, both of whom are alleged to have been full-blood Choctaw Indians, and Charlie, who is alleged to have been an one-half blood Choctaw Indian; and that the minor applicants in M C R 7289 claim said rights by reason of being descendants of the last above named ancestor and Tom Tikela (or Tikeli) Yearby and Sallie Yearby.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by

the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

From an examination of the records in the possession of the Commission it is found that the name Tik-a-lee appears on page 808, and the name Tikaler (or Tick-coller) on page 614 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, wherein it appears, among other things, that Tik-a-lee (or Tikaler, or Tick-coller) was a child under ten years of age, a son of Year-by (alias Ye-ah-bee), whose claim was rejected by the Secretary of the Interior September 30, 1884, but it does not appear from the evidence submitted by the applicants herein that any of the ancestors, through whom they claim, are identical with the person whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Tom Tikala (or Tikali) Yearby, through whom these applicants claim, or Sallie Yearby, or Charles Farve, or Leesa Farve, nee Stout, or Jack Farve, or Edward, or Fable,

or Nancy Yearby, or Charlie, or Celeste Thomas, 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 Charlie Farve, Turner Farve, Charley S. Farve, Forest Farve, Albina Farve and Andrew Farve, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

AUG 12 1904

(Copy)

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 24, 1854.

Sir:

I have attentively perused the joint letter addressed to you on the 6th instant by the Honbles. W. P. Harris of Miss. and W. M. Churchwell, of Tenn., and that from the Hon. A. G. Brown of Miss., dated the 13th inst. in reference to certain Choctaw reservations claims under the Treaty of Dancing Rabbit Creek and beg leave to submit the following report.

By the act of 30th of August 1852 (acts of 32nd Congress 1st sess. ch. 103, p 42) the Secretary of the Interior was "authorized to examine the reservation claims of the Choctaws, "known as the Bay Indians, and of those Choctaws in whose "cases the scrip awarded by the late Board of Commissioners "has not been issued, and when he shall find that such Indians "are clearly entitled to land under the fourteenth article of "the treaty of Eighteen hundred and thirty, and under the sev- "eral acts heretofore passed in relation to such claims x x "to extend to such claimants the provisions applicable to "such claims in the acts of twenty third August, eighteen hundred "and forty two, and of third March eighteen hundred and forty "five" And by the act of 3rd of March 1853 (acts of 32nd Con- gress, 2nd session, ch. 104, p 227, it is further provided

"that the authority of the Secretary of the Interior to examine the claims of Choctaws to reservations of lands under the treaty of eighteen hundred and thirty, shall extend to all cases recommended by either of the Boards of Commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as other warrants in payment for any public lands subject to sale at private entry."

The 14th Article of the treaty of 27th of September 1830, to which these facts refer, is in these words, and will be found at p.335, vol. 7 Stats at Large: "Each Choctaw head of a family, being desirous to remain and become a 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."

The subject of these claims was brought to my notice by letter from Henry L. Martin, Esq., representing himself as the attorney for the claimants, dated the 15th of June last, accompanied by a lengthy argument, and a copy of a communication which he had addressed to the Commissioner of Indian Affairs, on the 28th of April last.

The matter was referred to the Commissioner of Indian Affairs, with directions to make the necessary examinations, to report the result for the action of the Secretary of the Interior required by law.

On the 15th of August 1853 the Commissioner submitted his report accompanied by an argument addressed by Mr. Martin on the 11 of August 1845, to the Secretary of War (Gov. Marcy) before whom the case was then pending, and certain other papers showing the previous action had by Mr. Secretary Wilkins and President Tyler's decision of the 3rd of March 1845, and the action taken by Mr. Secretary Marcy under the authority conferred upon him

by the joint resolution of 3rd August 1846.

The acts of 31 August 1852 and 3rd of March 1853, required that the Secretary of the Interior should be satisfied that the Indian claimants were "clearly entitled." I duly examined the subject, and attentively considered the several arguments, filed at various times, by the attorney of the claimants, and came to the conclusion that I could not, under the enactments before mentioned, change the rule prescribed by Attorney General Mason, and adopted by Mr. Secretary Marcy, and on the 26th of August last directed the Commissioner of Indian Affairs, to report to me, the several cases, which came within it, with the accompanying papers, and a brief of the evidence for my final adjudication. As yet, this has not been done.

Subsequent to my decision of the 26th of August last (a copy of which is herewith submitted) I reviewed my action in the matter, at the instance of the Hon. W. M. Churchwell, (in whose behalf, the Hon. A. O. P. Nicholson filed the written agreement, which will be found among the papers), but without being able to arrive at a different conclusion.

The letters of Messrs. Brown, Harris and Churchwell, request that you will "as the best means of operating persuasively, if not otherwise upon the mind of the Secretary of the Interior cause the subject to be investigated by the Attorney General, and that his opinion x x x shall be the rule of adoption in the ultimate adjudication of the claims" and they state the particular

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question, on which, they desire the opinion of the Attorney General.

I respectfully submit all the papers in the case, to the end that you may, if in view of the language of the Acts of 1852 and 1853, before referred to, and the action had by the Department, pursuant thereto, you should consider the case, as one calling for the interposition of the Executive, give such directions in the premises, as to you may seem proper and necessary.

I have the honor to be

With much respect

Your obedient servant,

(signed) R. McClelland,

Secretary.

To the President.

ENDORSEMENTS.

First report to Sec'y Spencer, approved by him and by Pres't Tyler, 1842.

Second report made to Sec'y Wilkins, disapproved by him, and his opinion concurred in by Pres't Tyler, March 3, 1845.

Third report made by Sec'y Marcy, and approved by him, 1845.

Fourth report made to Pres't and by him referred to Atty Gen'l Mason, whose opinion was adverse to claimants, and affirmed by Pres't Polk and Gov. Marcy.

Fifth report made to Sec'y Int. & approved by him 1853.

All the Comrs. Ind. Affairs, Crawford, Medill & Manypenny report adversely.

SECRETARY OF THE INTERIOR.

24. Feb. 1854.

To the President.

In reference to the letters of Hon. A. G. Brown, W. P. Morris & W. M. Churchwell respecting the reservation claims under the 14th Article of the Treaty of Dancing Rabbit Creek, of 27 September, 1830,

Endorsements (2)

See Atty Gen'l's opinion (Mason) part 2d Atty Genl
Opinions page 1769, Nov. 18, 1845, page 1809, for opinion of
July 23rd, 1844.

Act of 1842, 5 U. S. L. by L. & B., page 514, sec. 3,
Secs. 4 and 6.

File

See letter to Com. Ind. Affs., 2nd March/54.

The reports of the Commissioners of Indian Affairs
upon this subject, made in 1842, 1846 and 1853. The opinions of
Atty Gen'l Mason. The decisions of J. C. Spencer & W. L. Marcy,
Sec'y of War, and that of President Polk of Feby 28, 1846,
after a careful examination leaves upon my mind no doubt of their
soundness, even upon the provisions of the law of 1842.

But under the provisions of the law of 1852, the
question raised in this case is addressed solely to the con-
science and judgment of the Sec'y of the Interior, and I
decline to refer the papers to the Atty General.

Feby 27, 1854.

(signed) Franklin Pierce.

M O R 7283

Mustang, Indian Territory, July 8, 1908.

Charles Farve,

Mustang, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask if the names of yourself and family and your wife's sister and brothers are enrolled as Mississippi Choctaws.

In reply you are informed that it appears from our records that on March 22, 1908, Salina Farve, twenty-three years of age, post office Ardmore, Indian Territory, made application to this Commission for the identification of herself, her husband Charley Farve, their minor child, Turner Farve, and her brothers, Joseph, Thomas and Marshall Farve, and her sister, Mary Farve, as Mississippi Choctaws.

The Commission has not up to the present time rendered any opinion relative to the right of the above named applicants to identification as Mississippi Choctaws. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

M C R
7087-2201
2416-7286-2394

Muskogee, Indian Territory, July 6, 1903.

G. W. McMillan,
McMillan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 11, 1903, in which you ask to be advised the status of the Mississippi Choctaw cases of the following persons:

Madeline Taylor	Usan Stout
Billie Farve	Dan Farve
Saline Farve	Lawrence Taylor
Sam'l McComack	Wint or Winta Marris.

In reply you are informed that it appears from our records that Madeline Taylor, Usan Stout, Billie Farve, Dan Farve, and Saline Farve are applicants to this Commission for identification as Mississippi Choctaws. Up to the present time the Commission has not rendered any opinion relative to their right to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

It further appears from our records that on February 14, 1903, the Commission rendered its decision identifying Lawrence Taylor as a Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which he was duly advised on March 11, 1903.

It does not appear from our records that any persons by

G V McM 2

the names of Sam'l McComack or Wint or Winta Harris are applicants
to this Commission for identification as Mississippi Shooters.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 13, 1903.

W. B. Burney,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of July 11, 1903, by reference from Chilson Riley, in which you ask if the following names persons have been identified as Mississippi Choctaws and will be allowed to hold land:

Charley Farve
Selina Farve
Turner Farve
Joseph Yabby
Thomas Yabby
Christy Yabby
Mary Yabby
Baptist Taylor
Lawrence Taylor

Elisabeth Taylor
Len Taylor
Stanley Taylor
Mary Taylor
Willis Fishomingo
Madeline Fishomingo
Nettie Taylor
Mary Taylor
Lena Taylor.

Replying to your communication you are advised that it appears from our records that on March 23, 1903, Selina Farve appeared before the Commission and made application for the identification of herself, her husband, Charley Farve, her minor child, Turner Farve, and her minor brothers and sister, Joseph, Thomas, Christie and Mary Yearby; that on March 16, 1903, Madeline Taylor, 45 years of age, made application to this Commission for the identification of herself and two minor children, Nettie and Mary Taylor, as Mississippi Choctaws. There is no person by the name of Madeline Fishomingo an applicant to this Commission for identification as a Mis-

W.B.B.---2

Mississippi Choctaw, but it is thought possible that the Madeline Taylor above mentioned is identical with the Madline Tishomingo mentioned in your letter. Up to the present time no decision has been reached by the Commission in the matter of the applications of Salina Parvo, et al., and Madeline Taylor, et al., but the Commission is now considering their applications and when a decision is rendered in these cases they will be duly notified of the same.

You are further advised that it appears from our records that Tishomingo Willis, 54 years of age, Bapt. etc Taylor, his wife, Elizabeth Taylor, and three minor children, Len, Stanley and Louise Taylor, and Lawrence Taylor, 21 years of age, have been duly identified by the Commission as Mississippi Choctaws entitled to rights in the Choctaw lands in the Indian Territory.

You are further advised that it does not appear from our records that any person by the name of Lony Taylor is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R.7286

Muskogee, Indian Territory, October 7, 1903.

Mrs. Salina Farve,
Durwood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 1, asking if Salina Farve, Joseph Yarby, Tomas Yarby, Christie Yarby, Mary Yarby and Turner Farve are enrolled as Mississippi Choctaws.

In reply to your letter, you are informed it appears from our records that Salina Farve is an applicant to this Commission for the identification of herself, her husband, Charlie Farve, her minor child, Turner Farve, and her brothers and sisters, Joseph, Thomas, Christie and Mary Yearby, as Mississippi Choctaws, but no decision or opinion has yet been reached relative to their final rights to identification. As soon as a decision is rendered in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

COPY.

M.C.R. 7286

Muskogee, Indian Territory, March 16, 1904.

Salina Farve,

Durwood, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you, Joseph, Thomas, Christie and Mary Yearby as Mississippi Choctaw Indians, under the provisions of section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Ereckinriago.
Commissioner in Charge.

Registered.
Enc.: MCR-7286.

COPY.

M.C.R. 7286

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Salina Farve and her brothers and sister, Joseph, Thomas, Christie and Mary Yearby, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Salina Farve, her brothers and sister as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.
Enc.: MCR-7286.

H C R 7336
H C R 8024
H C R 2466-1606

Muskogee, Indian Territory, July 18, 1904.

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

Dear Sir:

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

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

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

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

J S H 3

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

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

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

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

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

J E H 3

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

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the consolidated case of Salina Farve, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 12, 1904.

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

Salina Farve, et al.,	M.C.R.	7286
Charley S. Farve, et al.,	M.C.R.	7289

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.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Charley Farve, et al., M.C.R. 2513, decision in which was rendered by the Commission on

July 23, 1933, and affirmed by the Secretary on November 21, 1933.

Respectfully,

~~signed~~

Tama Birby.

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. N.C.R. 1933.

MM 10/27

(COPY)

J.W.H. LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

January 18, 1906.

I.T.D. 4712,4770,
5186,5238-1904.

LRS

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

Sir:

On May 14, 1904, by separate letters, the Commission to the Five Civilized Tribes, transmitted the records in the Mississippi Choctaw cases of Jim Farve et al., Louisa Farve or Favre, Seymour Farve et al., and Clemogene et al.

The Principal applicants in the case of Jim Farve et al. are the children of Jules Farve and Isabelle Farve, nee Yearby. The former who is possessed of Choctaw and French blood, in equal amounts, is the son of Charles and Celeste Farve. His wife, the said Isabelle Yearby, is a full-blood Choctaw and the daughter of a Choctaw Indian named Tikeli or Tom Tikeli Yearby.

In the case of Seymour Farve et al., the principal applicant is the son of one Charley Farve, whose blood was one-half Choctaw and one-half French, and of Celestine Farve, nee Ma-ka-hi-yak. The latter was a full-blood Choctaw. From the age, place of residence, and family associations of the applicants in this case it is highly probable that their ancestors, so far as ascertained, were identical with the Charles and Celeste Farve referred to in

the foregoing paragraph.

In the case of Louisa Farve, the same being an application for herself alone, it appears that the applicant was the daughter of a three-fourths blood Choctaw named Albert (or "Herbert") Farve or Favre and Idell Westbrook, who is nearly, if not quite, a half-blood Choctaw. The said Albert Farve was the son of a full-blood Choctaw named Charley Farve, who may have been identical with the person of the same name who was the ancestor in the two cases referred to above.

In the case of Clemogene Farve et al., it appears that the applicants are relatives of those named in the foregoing cases. In this case there are two applicants, Clemogene and Elizabeth Farve. Both of them claim to be full-blood Choctaws. Their parents, Pierre and Catherine Farve were full-blood Choctaws. Although one of them stated that she knew her grandmother she was not asked by the examiner to furnish the name of such ancestor. Contrary to their allegations to the effect that they are full-blood Choctaws, one witness in the case, aged 73 at the date of the hearing, testified that their father, Pierre Farve, was a three-fourths blood Choctaw. Thus as the record stands the quantum of blood of said applicants has not been determined, and the witnesses are two to one in favor of the allegation that they are full-bloods. Investigation to determine this point is necessary, the evidence now before the Department having been taken prior to the act of July 1, 1902, by

virtue of which full blood Choctaws acquired the right to be identified as Mississippi Choctaws without further evidence.

The records of the Indian Office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation, in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it not been for the forcible dispossession of the members of said company by the whites. Being driven from their lands, they moved to Hancock County, in the extreme southern part of Mississippi, where they were subsequently known as the Bay St. Louis Indians. Said records further show that the Farve, Yearby, and allied families were members of this company.

In view of the further fact that the records of the Indian Office show that application was attempted on behalf of persons of the same name as the ancestors named above, additional investigation is necessary, particularly in view of the fact that the original hearings were much less complete than those made by the Commission under instructions given it in cases of Lizzie Woodard and Harriett Adkins.

Reference is here made to the Mississippi Choctaw cases of Nancy Agleff and Emma Taylor, which were recently returned to you for further investigation because of the descent of the applicants

from a person named Yearby through his son Tikeli Yearby, both of whom were, if identical with certain persons of the same name mentioned in letter of the Indian Office, entitled to the benefits of article 14 of the treaty of 1830.

The decisions of the Commission to the Five Civilized Tribes in all of the Parve cases referred to above are hereby set aside, and the records in said cases are returned herewith for further investigation. You are directed to make such investigation as fully and completely as was directed in departmental letter relative to the case of Fancy Agloff and Emma Taylor, referred to above. Care should be taken to ascertain the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they can furnish the same, and where a common ancestry is apparent the cases should be consolidated.

There are inclosed herewith copies of Indian Office letters of June 8, 9, 22, and 24, 1904, relating to the records in the Parve cases.

Respectfully,

(Signed) Thos. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 inclosures.

Refer in reply
to the follow-
ing: Land
59931-1904

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, January 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes relating to the applications of Salina Farve for herself, her husband, Charlie Farve, her minor child, Turner Farve, and her four minor brothers and sisters, Thomas, Joseph, Christie and Mary Yearby; and by Charley S. Farve, for himself, his wife Amelia Farve, and his three minor children, Forest, Albina and Andrew Farve, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on August 12, 1904.

The Commission determined from the records that Salina Farve, Thomas Yearby, Joseph Yearby, Christie Yearby and Mary Yearby are full blood Mississippi Choctaw Indians, and were accordingly, on March 12, 1904, duly identified.

The evidence shows that all the other applicants are mixed blood Choctaws. Charlie Farve claims rights in the Choctaw lands by reason of being a descendant of Jack Farve who is alleged to have been a one-half blood Choctaw Indian, Edward,

who is alleged to have been a one-fourth blood Choctaw Indian, and Tobie, who is alleged to have been a full blood Choctaw Indian. Turner Farve, a minor applicant, claims rights by reason of being a descendant of the above named ancestors and Tom Tikela (or Tikeli) Yearby, Sallie Yearby, Charles Farve and Leesa Farve (nee Stout) all of whom are alleged to have been full blood Choctaw Indians. The principal applicant, Salina Farve, claims rights by reason of being a descendant of Nancy Yearby and Celeste Thomas, both of whom are alleged to have been full blood Choctaw Indians, and Charlie, who is alleged to have been a one-half blood Choctaw Indian. The minor applicants, Forest, Albina and Andrew Farve, claim rights by reason of being descendants of the last above named ancestors and Tom Tikela (or Tikeli) Yearby and Sallie Yearby.

The Commission found from the evidence in support of the applications and from its records, that none of the 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.

The Commission reports that from an examination of its records, it has been found that the name of Tik-a-lee appears on page 808, and the name Tikaler (or Tick-coller) on page 614 of volume 1 of the printed record in the case of the Choctaw Nation v. United States before the Court of Claims, wherein it appears, among other things, that Tik-a-lee (or Tikaler or Tick-

collar) was a child under ten years of age, a son of Year-by (alias Ye-an-bee) whose claim was rejected by the Secretary of the Interior on September 30, 1854; but it does not find that any of the ancestors through whom they claim are identical with the person whose name appears in the record above cited.

The Commission further found that it does not appear from the evidence offered in support of the applications, or from the records in its possession relating to persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and to persons who were claimants thereunder, that Tom Tikela (or Tikeli) Yearby, through whom these applicants claim, or Sallie Yearby or Charles Farve or Leesa Farve (nee Stout) or Jack Farve or Edward or Tobie or Nancy Yearby or Charlie or Celeste Thomas, signified to the Indian Agent at Choctaw Agency an intention to comply with the provisions of article 14, 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). Predicated on the findings above given the Commission declared that the evidence submitted was insufficient to determine the identity of Charlie Farve, Turner Farve, Charley S. Farve, Forest, Albina and Andrew Farve, as Choctaw Indians, entitled to rights in the Choctaw lands as descendants from beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants are now, or were until recently, residents of Hancock County, Mississippi, on or near Bay St. Louis.

They have as surnames and have given as the surnames of their ancestors names which are shown by the records of this office to be those of families who were recognized members of the Choctaw Tribe in 1830, and who sought to secure the benefits of the Choctaw treaty of September 27 of that year, and made attempts to register with the Indian Agent for the Choctaws their intention to remain the five years and take the benefits of the 14th article. They were frightened off by agents of the Government who were seeking to remove them to the west, deserted the lands they were holding, with the intention of taking them under the provisions of the 14th article and fled to the southern part of Mississippi on Bay St. Louis. From this circumstance, they became known as the "Bay Indians."

The claims and interests of these Indians resulted in a great deal of correspondence with the War Department during upwards of 20 years after the negotiations of the treaty. In the Indian Appropriation Act, approved August 30, 1852 (10 Stats., 42), the following appears:

That the Secretary of the Interior be and he is hereby authorized to examine the reservation claims of the Choctaws known as Bay Indians and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of twenty-third August, eighteen hundred and forty-two, and of third March, eighteen hundred and forty-five.

There was incorporated in the Indian Appropriation Act, approved March 3, 1853, the following provision:

That the authority of the Secretary of the Interior to examine claims of Choctaws to reservations of land under the treaty of 1830 is extended to all cases recommended by either of the boards of commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as their warrants in payment for any public lands subject to sale at private entry.

On February 24, 1854, the Office reported to the Secretary of the Interior at length relative to the claims of the Bay Indians, a copy of which communication is enclosed. The claims of all the Bay Indians were finally rejected by the Secretary of the Interior under the legislation above mentioned.

The ancestors of 1830, on their descent from whom these applicants rely, are Tom Tikela Yearby, Sallie his wife, Charles Farve and Leesa Stout. The other ancestors mentioned are either living or are descendants of the ancestors just mentioned.

The name given in the record in this case as Farve was variously spelled by the representatives of the Government who investigated the claims of the Choctaw Indians, as Farve, Farver, Farvour and Favre. Batteas Farver was the head of a Choctaw family in 1830. In fact he had two wives, but the family with whom he lived and the head of which he was accounted was that of his wife To-sho-ah-hoka. There were children still living at home named Shoemaker (over ten years of age) and Catherine (under ten years of age). His residence was on the northwest quarter of section 22, township 7 north, range 17 east, Lauderdale County, Mississippi. His second wife, Hi-e-an-to-nah,

resided on section 2, township 2 north, range 10 east, Jasper County, Mississippi. Her children were John, Clarissa, Mary (who died leaving a son, Ellis), and Ellen, these being over ten years of age in 1830, and Louisa and Finn, under ten years of age. The records relating to these persons will be found in the volumes of printed evidence in the case of the Choctaw Nation, v. the United States, in volume 1, pages 626, 756 and 764.

There was another member of the same family known as Lixey Favre or Alexis Farvour, who was a resident of the southwest quarter of section 31, township 9 north, range 15 east, in Kemper County, Mississippi. His children were Isabella, over ten years of age, and Mary Ann, under ten years of age. The record relating to these people will be found in the volume above mentioned at pages 614, 694 and 764. Lixey Favre's grandmother, in behalf of whom he made a claim for land, was Channey, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. The record relating to her will be found in the volume above mentioned at pages 614 and 692. The mother of Lixey Favre was Pis-ti-ok-o-na, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. Her children were Louis, who died subsequent to the treaty, leaving children as follows: Mary, Louis, Edward, and Silles (female); Katharine, who died without issue, and Charles, the three mentioned having been above ten years of age in 1830; and Batteese, under ten years of age. Record relating to her claim will be

found in the same volume as above, at pages 625, 746, 747 and 748.

Yearby (or Yeah-bee), was a resident of the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. His children were Tik-a-ler, or Tick-coller, over ten years of age, Ona-nah-he-mah (female), Hi-a-lah (female), Way-tubbee and Nan-che-mah (female) who died without issue, these latter being under ten years of age in 1830. His case will be found mentioned in the printed record referred to, at pages 614 and 808. His mother was Ho-to-ney or Ho-tun-nee, who resided on the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. Mention of her case will be found in volume 1 of the printed record referred to, at pages 613 and 808.

The name of Tikela Yearby and the surnames of Yearby and Farve are the only names under which the applicants claim which appear on the records of this office, except that the records show there was a John Farve, who might be the Jack Farve under whom they claim.

In view of the similarity of the names and the history of the Bay Indians, it is deemed important that this case should be more thoroughly investigated, and I therefore recommend that it be remanded to the Commissioner to the Five Civilized Tribes for a rehearing under the instructions under which the cases of Nancy Agloff and Emma Taylor were remanded by the Department, these parties being members of the same family.

Very respectfully,
KBH-Y

C. F. Larrabee, Acting Commissioner.

SECRETARY'S OFFICE

G. R.
LLB.

D. C. 5275-1906.

I. T. D. 1806-1906.

L. R. S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C.

February 5, 1906.

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

Sir:

August 30, 1904, the Commission to the Five Civilized Tribes transmitted the record in the consolidated cases of Salina Farve et al., M. C. R. 7282, and Charley S. Farve et al., M. C. R. 7289, applicants for identification as Mississippi Choctaws, including its decision dated August 12, 1904, refusing to identify as Mississippi Choctaws all of the applicants named therein of mixed Choctaw blood, for the reason that they "do not come within the purview of said section" 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

It appears that the principal applicant, Salina Farve, and her minor brothers and sisters, Thomas Yearby, Joseph Yearby, Christie Yearby, and Mary Yearby, were on March 12, 1904, duly identified by the Commission as full-blood Mississippi Choctaws.

Applicants, former residents of Bay St. Louis, Hancock County, Miss., prior to their emigration to Ardmore, Ind. T., applied to the Commission on March 23, 1903, at Muskogee, Ind. T., to be identified as Mississippi Choctaws, claiming descent

through Salina Farve, principal applicant, identified as a full-blood Mississippi Choctaw, who is the daughter of Simon Yearby, son of Tom Tikela-Yearby, an alleged son of Year Bey. On her maternal side, Salina Farve, the principal applicant, claims descent through Celestine Farve, her mother, a full-blood Choctaw Indian, daughter of Charles Farve.

Applicants do not know whether the ancestors named complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or were beneficiaries thereunder. Applicants have the appearance of being full-blood Choctaw Indians, and understand and speak the Choctaw language.

The records show that one Year Bey, who lived at the date of the treaty of Dancing Rabbit Creek, on Yazoo or Tokah Creek, in Lauderdale County, Mississippi, early in the summer next after the treaty was made, in company with Multiah and another neighbor, started to the agency of Colonel Ward, then on Noxubbee to signify their intention to remain and take the five years' stay, but meeting en-route other Choctaw Indians returning, who told them it was of no use, that Colonel Ward was drunk and refused to enroll any more Choctaw Indians, Year Bey and his company returned.

Soon after the third emigration of the Choctaw Indians west, Yearby went down to Hancock County, Mississippi, on a hunt, and there joined the Bay St. Louis, Indians, and later

returned with one Hacubbee to his old settlement on Yazoo Creek, where he found his improvements in possession of white men. Year Bey claimed a section of land for himself and children, of whom one was named Tikalee, or Tikaler, or Tick-collar, a child under ten years of age at the date of said treaty, but the claim of said Year Bey appears to have been rejected.

The ancestor of applicants named, Tom Tikela Yearbey, is believed to be identical with Tikalee, or Tikaler, or Tick-collar, the son of Year Bey. See Choctaw Nation vs. the United States, Court of Claims, No. 12742, volume 1, pages 614, 694, 766, 794, and 808. The ancestor on maternal side, Charles Farve, is believed to be identical with Charles Farve, a Bay St. Louis Indian, of record as a Choctaw claimant under article 14 of the treaty of 1830. See American State papers, volume 34, public lands, volume 7, page, 173.

As ancestors of applicants in these cases appear to be identical with the ancestors of Nancy Agloff et al., and Emma Taylor et al., subjects of departmental letter of January 4, 1906 (I. T. D. 4764-1904), and Jim Farve et al., subject of departmental letter of January 18, 1906 (I. T. D. 4712-1904), the records of which were on said dates remanded to you for a more complete investigation, the record herein is remanded to be consolidated with said above named cases for a full investigation as indicated in departmental letter of January 4, 1906, as to Nancy Agloff.

-4-

Copy of Indian Office letter of January 30, 1906,
favoring such investigation, together with a copy of the Indian
Office letter of February 24, 1854, relative to Bay State
Indians, are inclosed for your information.

Respectfully,

(Signed) Thos. Ryan

2 inclosures.

First Assistant Secretary.

M C R 2415
2369 2421
2520 7286

COPY.

Waskagee, Indian Territory, February 10th, 1906.

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

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 18, 1906 (I T D 4712, 4770, 5186, 5238-1904), returning to the Commissioner to the Five Civilized Tribes the record in the following Mississippi Choctaw cases:

Jim Farve, et al.,	M C R 2415
Frisen Farve,	2402
Billie Farve, et al.,	2416
Adelphe Feyerd,	7290
Louisa Farve,	2369
Seymour Farve, et al.,	2421
Gemogene Farve, et al.,	2520
Elizabeth Farve,	2521

The original decisions of the Commission to the Five Civilized Tribes of March 20, 1904, in these cases, adverse to the applicants, were set aside, and the Commissioner is directed to make a further investigation, to be as full and complete as was directed by the Department in reference to the cases of Nancy Ag-leff and Emma Taylor which have heretofore been remanded for further hearing.

The Department directs that care be taken to ascertain

J G Halls

the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they can furnish the same, and where a common ancestor is apparent, to consolidate the cases.

There is transmitted for your information the report of the Acting Commissioner of Indian Affairs of June 8, 1904, in the consolidated Mississippi Choctaw case of Clemogene Farve, et al., M. C. R. 2520; the report of the Acting Commissioner of Indian Affairs of June 9, 1904, in the consolidated Mississippi Choctaw case of Jim Farve, et al., M. C. R. 2415; the report of the Acting Commissioner of Indian Affairs of June 22, 1904, in the Mississippi Choctaw case of Louisa Farve, M. C. R. 2369; and the report of the Acting Commissioner of Indian Affairs of June 24, 1904, in the Mississippi Choctaw case of Seymour Farve, et al., M. C. R. 2421.

There is also enclosed herewith for your information, copy of a letter of the Secretary of the Interior, dated February 6, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of January 30, 1906, returning to the Commissioner to the Five Civilized Tribes for further investigation in connection with the cases above mentioned, the record in the consolidated Mississippi Choctaw case of Salina Farve, et al., M. C. R. 7286, wherein an adverse decision was rendered August 12, 1904, by the Commissioner to the Five Civilized Tribes.

You are hereby advised that in conformity with the Department's instructions the Commissioner to the Five Civilized

J O Ralls 3

Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at four o'clock P. M., hear the testimony of the persons hereinbefore mentioned and the testimony of such witnesses as they may present in support of their applications for identification as Mississippi Choctaws.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

McM 10/19

M C R 2415
2369 2421
2520 7286

COPY.

Muskogee, Indian Territory, February 10th, 1906.

John S. Hagler,
Attorney at Law,
Bowie, Texas.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 18, 1906 (I T D 4712, 4770, 5186, 5238-1904), returning to the Commissioner to the Five Civilized Tribes the record in the following Mississippi Choctaw cases:

Jim Farve, et al.,	M C R 2415
Frisen Farve,	2402
Billie Farve, et al.,	2416
Adolphe Feyerd,	7290
Louisa Farve,	2369
Seymour Farve, et al.,	2421
Olemogene Farve,	2520
Elizabeth Farve,	2521

The original decisions of the Commission to the Five Civilized Tribes of March 30, 1904, in these cases, adverse to the applicants, were set aside, and the Commissioner is directed to make a further investigation, to be as full and complete as was directed by the Department in referencé to the cases of Nancy Agloff and Emma Taylor, which have heretofore been remanded.

The Department directs that care be taken to ascertain the names, both Choctaw and English, of the applicants' ancestors

John S. Hagler 2

of Choctaw blood as far back as they can furnish the same, and where a common ancestor is apparent, to consolidate the cases.

There is transmitted for your information the report of the Acting Commissioner of Indian Affairs of June 8, 1904, in the consolidated Mississippi Choctaw case of Glengene Farve, et al., M. C. R. 2520; the report of the Acting Commissioner of Indian Affairs of June 9, 1904, in the consolidated Mississippi Choctaw case of Jim Farve, et al., M. C. R. 2415; the report of the Acting Commissioner of Indian Affairs of June 22, 1904, in the Mississippi Choctaw case of Louisa Farve, M. C. R. 2369; and the report of the Acting Commissioner of Indian Affairs of June 24, 1904, in the Mississippi Choctaw case of Seymour Farve, et al., M. C. R. 2421.

There is also enclosed herewith for your information, copy of a letter of the Secretary of the Interior, dated February 5, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of January 30, 1906, returning to the Commissioner to the Five Civilized Tribes for further investigation in connection with the cases above mentioned, the record in the consolidated Mississippi Choctaw case of Salina Farve, et al., M. C. R. 7286, wherein an adverse decision was rendered August 12, 1904, by the Commission to the Five Civilized Tribes.

You are hereby advised that in conformity with the Department's instructions the Commissioner to the Five Civilized

John S. Hagler 3

Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at four o'clock P. M., hear the testimony of the persons above referred to and the testimony of such witnesses as they may present in support of their applications for identification as Mississippi Choctaws. -

Respectfully,

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

Registered.

Mar 10/18

M C R 7286

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

Muskogee, Indian Territory, February 10th, 1906.

Charlie Farve,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on January 18, 1906, the Secretary of the Interior returned to the Commissioner to the Five Civilized Tribes the records in the following Mississippi Choctaw cases:

Jim Farve, et al.,	M C R 2415
Frisen Farve,	2402
Billie Farve, et al.,	2416
Adolphe Feyerd,	7290
Louisa Farve,	2369
Seymour Farve, et al.,	2421
Clemogene Farve,	2520
Elizabeth Farve,	2521

In these cases decisions adverse to the applicants were rendered by the Commission to the Five Civilized Tribes on March 30, 1904. The Secretary of the Interior on January 18, 1906, set aside said decisions and states as follows:

"The records of the Indian Office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation, in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it not been for the forcible dispossession of the members of said company by the whites. Being driven from their lands, they moved to Hancock County, in the extreme southern part of Mississippi, where they were subsequently known as the Bay St. Louis In-

dians. Said records further show that the Farve, Yearby, and allied families were members of this company.

In view of the further fact that the records of the Indian Office show that application was attempted on behalf of persons of the same name as the ancestors named above, additional investigation is necessary, particularly in view of the fact that the original hearings were much less complete than those made by the Commission under instructions given it in the cases of Lizzie Woodward and Harriett Adkins."

The Commissioner is directed to make a full and complete investigation of these cases and to exercise care to ascertain the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they are able to furnish the same, and where a common ancestor is apparent, to consolidate the cases.

The Secretary of the Interior, under date of February 5, 1906, also returned to the Commissioner to the Five Civilized Tribes the records in the matter of the applications of Malina Farve, et al., M.C.R. 7286, and Charley S. Farve, et al., M.C.R. 7289, for further investigation in connection with the cases above named, relative to the rights of Charlie Farve, Turner Farve, Charley S. Farve, Forest Farve, Albina Farve and Andrew Farve, to be identified as Mississippi Choctaws.

You are hereby notified that in accordance with the Department's instructions the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at four o'clock P. M., hear your testimony and the testimony of such witnesses as you may present in reference to your Choctaw ancestors and their recognition

Charlie Farve 3

as members of the Choctaw tribe of Indians in the State of Mississippi. You should, if possible, at said hearing secure the attendance of old persons who were personally acquainted with your ancestors in the State of Mississippi, and who might be able to furnish reliable information relative to the removal of the company of Indians residing in Kemper County, Mississippi, in 1830, to Bay St. Louis in Hancock County, Mississippi.

Copy of Departmental letter of January 12, 1906, accompanied by copy of letter of February 3, 1906, is herewith enclosed for your information.

Respectfully,



Acting Commissioner.

Registered.

McM 10/27

C O P Y.

DEPARTMENT OF THE INTERIOR,
FVV.

DIRECT.

WASHINGTON.

ITD-12911 06
D.C.48363.

October 18th, 1906.

Y.P.

Commissioner to the five civilized Tribes,

Sir:

There is enclosed a communication from Albert J. Lee, Ardmore, Indian Territory, dated October 8th, 1906, relative to the Consolidated Mississippi Choctaw cases of Farves and Yearbys, included in the Nancy Agloff case. It is requested in such communication that you be directed to proceed in the matter and render a decision upon the showing already made. The Department knows of no reason why the case should not be disposed of by you. If any reason exists why this should not be done it is requested that you so advise the Department.

Respectfully,

Jesse E Wilson

Assistant Secretary.

1 enc.

MCR-7286

Muskogee, Indian Territory, April 22, 1907.

Charlie Farve,
Bay St. Louis, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 27, 1907, affirmed the decision of the Commission to the Five Civilised Tribes refusing to identify you and your child as Mississippi Choctaws.

Respectfully,

Commissioner.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To Charlie Farve,Ardmore, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Ardmore, Ind. Ter. in the Chickasaw Nation, Indian Territory, on the 16th day of March, 1906, to testify before said Commissioner in the matter of the application for your identification as a Mississippi Choctaw.

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

SIGNED

W. O. Beall
Acting Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Salma Farve

Age ~~23~~ Blood full.

Post Office. Ardmore, I. T.

Father: Simon Yearby, full D.

Mother: Celestine ~~Farve~~ full D.

Claims through both parents

Husband: Charlie Farve ^{24.7/106} L.

Father: Jack Farve 74 L.

Mother: Mary " ~~74~~ 5/8(Claims for nephew's), 1 child
Children: 3 Brothers - 1 Sister

Turner Farve, 1

Brothers:

Joseph Yearby, fb 19

Thomas " " 17

Christie " " 14

Sister:
Mary " " 6

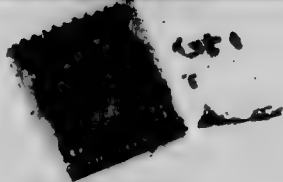
Stenographer

A. B. Eisenberg

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



22

1529



RETURNED TO WRITER
UNCLAIMED.

Charlie Farve,



Choctaw MCR 7287

Luisa Byars

MCR 7287

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

Herein is the record in the matter of the application of
Luisa Byars, et al., for identification as Mississippi Choctaws,
M.C.R. 7287.

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

In the matter of the application of Luisa Byars, et al.,
for identification as Mississippi Choctaws, M.C.R.7287.

I N D E X .

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Waskogee, I.T. , March 23, 1903.

7287

In the matter of the application of Luisa Byars for the identification of herself, her husband, Alex Byars, and her minor child, Emil Byars, as Mississippi Choctaws.

J.G.Ralls, attorney for applicants:

Luisa Byars being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Luisa Byars.
Q How old are you? A Twenty two.
Q What is your post office address? A Ardmore, I.T.
Q How long have you lived in the Indian Territory? A About two months.
Q Where were you born? A In Mississippi.
Q Did you always live in Mississippi till you moved to Ardmore?
A Yes.
Q What is your father's name? A Simon Yearby.
Q Is he living? A No.
Q What is your mother's name? A Celestine Yearby.
Q Is she living? A No.
Q You are a sister of Salina Farve who has just made application?
A Yes.
Q You claim your Choctaw blood through which parent? A Both.
Q How much Choctaw blood did your mother have? A Full blood.
Q How much Choctaw blood did your father have? A Full blood.
Q You claim to be a full blood Choctaw? A Yes.
Q What was the name of your father's father? A Tom Tikeli-Yearby.
Q Is he living? A No.
Q When did he die? A About a year ago.
Q What is the name of your father's mother? A Sallie.
Q Is she living? A No.
Q Was Tom a full blood? A Yes.
Q Was Sallie a full blood? A Yes.
Q What is the name of your mother's father? A Charlie Yearby.
Q Was he full blood Choctaw? A Yes.
Q What is the name of your mother's mother? A Leesa.
Q Was she full blood Choctaw? A Yes.
Q Do you know the name of any other of your Choctaw ancestors any farther back? A No.
Q Have all of your Choctaw ancestors always been full blood Choctaw Indians? A Yes.
Q Has your father or mother through whom you claim the right to identification ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw tribes or by the authorities of the United States?

- Q Are you married? A Yes.
Q What is your husband's name? A Alex Byars.
Q Is your husband living? A Yes.
Q Is he Choctaw? A Half.
Q Do you want to make application for him? A Yes.
Q What is his father's name? A Phil Byars.
Q Is he living? A Yes.
Q What was Alex Byars mother's name? A Catharine.
Q Is she living? A No sir.
Q Through which parent does your husband claim his Choctaw blood?
A His mother.
Q His father was a white man? A Yes.
Q And his mother Catharine was a full blood? A Yes sir.
Q Has your husband's mother through whom you claim for him the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.
Q Do you know the names of Catharine Byars parents? A Yes.
Q What is the name of her father? A Jim Hudson.
Q Is he a full blood? A Yes.
Q What is the name of her mother? A Clarice.
Q Was she a full blood? A Yes.
Q They are both dead, are they? A Yes.
Q How old would your husband's mother be if she were living?
A About forty.
Q How old is your husband? A Twenty four.
Q Have you any minor children for whom you wish to make application? A One.
Q What is its name? A Emil.
Q How old is Emil? A Three.
Q You are the mother of this child? A Yes.
Q And Alex is the father? A Yes.
Q This child claims its Choctaw blood through both its parents?
A Yes.
Q This child then is 3/4 Choctaw? A Yes.
Q Is this the only child you have? A Yes.
Q This application then is for yourself, your husband and one child? A Yes.
Q Is your name or the name of your husband or the name of this minor child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Is this the first application of any description for enrollment in the Choctaw Nation that has ever been made for yourself, your husband and minor child? A Yes, the first.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830?
A Yes.
Q Do you understand that article? A Yes.

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

side upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming for yourself, your husband and minor child the right to identification as Mississippi Choctaws? A Yes.

Q Did any of your ancestors or any of your husband's Choctaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A Don't know.

Q Did any of your Choctaw ancestors or your husband's Choctaw ancestors appear before the Indian agent in Mississippi within six months from the ratification of the treaty of 1830 and signify to him an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors or any of your husband's Choctaw ancestors ever receive or claim any land from the Government under the provisions of article 14 of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors or yours husband's Choctaw ancestors ever recognized members of the Choctaw tribe of Indians at that time? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi at that time to register the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the Government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the States. On this account, in many instances, the lands upon which the Indians lived and had improvements and which they desired reserved for them were sold by the Government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Do you know whether any of your Choctaw ancestors or your husband's ancestors appeared before either of these Commissions and attempted to establish their rights under the provisions of article 14 of the treaty of 1830? A I don't know.

Q So far as you know your Choctaw ancestors have always been full-blood Choctaw Indians? A Yes.

Q And have always been recognized by the Indians in Mississippi as members of that tribe there? A Yes.

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

Q Do you speak or understand the Choctaw language? A Yes.

Applicant excused, and Alex Byars, is called and sworn:

Examination by the Commission:

- Q What is your name? A Alex Byars.
- Q How old are you? A Twenty four.
- Q What is your post office address? A Ardmore, I.T.
- Q Where did you live before that? A Hancock County, Mississippi.
- Q Born and raised there? A Yes.
- Q You have lived in Mississippi all your life till you came to the Indian Territory? A Yes sir.
- Q When did you come here? A About two months ago.
- Q You are the husband of Luisa Byars, the principal applicant in this case? A Yes.
- Q You have heard me read the 14th article of the treaty of 1830; do you understand that? A Yes.
- Q Do you know whether any of your Choctaw ancestors or your wife' Choctaw ancestors ever complied or attempted to comply with the provisions of that article? A No sir.
- Q Do you know if any of your Choctaw ancestors or any of your wife's Choctaw ancestors ever received any land from the Government under the provisions of article 14 of the treaty of 1830? A No sir.
- Q What was the name of your Choctaw ancestor who was living in 1830 and head of a family at that time? A I don't know who it was; my great grandfather I guess.
- Q What was his name? A E-lap-pan-pin-tubbee.
- Q Is he a full blood Choctaw? A Yes.
- Q Do you know what his wife's name was? A No.
- Q What was your grandfather's name? A Jim Hudson.
- Q Did he have a Choctaw name? A Yes.
- Q Do you know what it was? A Ho-tam-bee.
- Q What was the name of Ho-tam-bee's wife? A Clarice.
- Q Did she have a Choctaw name? A Yes; Hi-a-lee.
- Q Do you know when Ho-tam-bee and Hi-a-lee were married? A No, I don't know when.
- Q Do you know how old your grandfather would be if living now? A About 80 years old.
- Q How old was your grandfather when your great grandfather died? A About ten or eleven years old.
- Q Then your great grandfather was the head of a family in 1830? A Yes.
- Q Do you know the name of your grandfather's brothers or sisters? A My grandfather had a brother named Ha-nah-bee.
- Q Was he older or younger than your father? A Older.
- Q Had he any other brothers or sisters? A No others; just two of them.
- Q Do you know whether your great-grandfather, E-lap-pan-pin-tubbee, ever received any land from the Government of the United States under the provisions of article 14 of the treaty of 1830? A I don't know.
- Q Do you know whether he ever received any scrip from the Government under the act of Congress approved August 23, 1842? A No.
- Q Did any of your Choctaw ancestors ever receive any land from the Government of the United States under the provisions of article 14 of the treaty of 1830? A I don't know.
- Q In 1837 and 1842, as you have heard me explain to your wife, Commissions were appointed that went to Mississippi-- do you understand that? A Yes.
- Q Do you know whether any of your Choctaw ancestors ever appeared before these Commissions and attempted to establish their rights?

A I don't know.

Q All of your mothers ancestors so far as you know have been full blood Choctaw Indians? A Yes.

Q Was your father a white man? A yes.

Q You speak or understand the Choctaw language? A Yes.

Thirty days time will be allowed this applicant in which to introduce further testimony in support of his claim.

This applicant, the husband of the principal applicant in this case, has the appearance of being descended from Choctaw parentage; has the appearance of a full blood Choctaw, however, - he only claims to be possessed of one half; he has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1903.

Charles H. Sawyer

Notary Public.

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

In the matter of the application of Luisa Byars, et al., for identification as Mississippi Choctaws, M.C.R. 7287.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 23, 1903, by Luisa Byars for herself, her husband, Alex Byars and her minor child, Emil Byars, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

From the evidence submitted in support of said application it appears that the principal applicant is a full-blood Mississippi Choctaw Indian. The other applicants herein are mixed-blood Choctaws, and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.

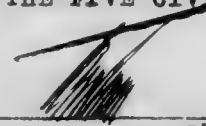
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

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

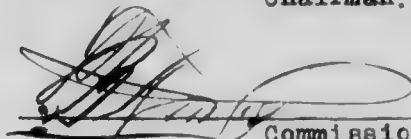
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

It is, therefore, the opinion of this Commission that Luisa Byars should be identified as a Mississippi Choctaw, and it is so ordered.

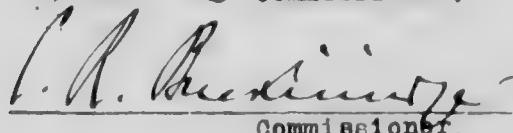
COMMISSION TO THE FIVE CIVILIZED TRIBES,



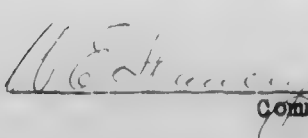
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
MAR 12 1904

COPY.

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

In the matter of the application of Louisa Byars, et al.,
for identification as Mississippi Choctaws, M.C.R. 7287.

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 Louisa Byars for herself, her husband, Alex Byars, and her minor child, Emil Byars, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495);

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

From the records of the Commission it appears that the principal applicant, Louisa Byars, who is a full-blood Mississippi Choctaw Indian was, on March 12, 1904, duly identified as a Mississippi Choctaw under the provisions of section forty-one of the

act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said section.

It also appears that Alex Byars claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Elappanpintubbee, through his son, Jim Hudson, (Indian name Hotanbee), and Clarice Hudson, (Indian name Hialec), all of whom are alleged to have been full-blood Choctaw Indians, and that Emil Byars claims said rights by reason of being a descendant of the above named ancestors and Tom Fikeli Yearby, Sallie Yearby, Charlie Yearby and Leesa Yearby, who are also alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It is found that the name Hotanba appears on page 757; Hotanbe, on page 767; Hotanbee on pages 397, 403 and 624, and Hotanbee (or Iakbuskko) on pages 417 and 418; Hialec, on pages 516 and 517; Fikalec on page 508 and Fikalor (or Fikakoller) on page 614, of Volume I of Claimants Brief and Evidence in the case

of the Choctaw Nation vs. United States , before the Court of Claims, No. 12742, in a number of lists, statements and depositions, relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty , but it does not appear from the evidence submitted by the applicants herein that the ancestors through whom they claim are identical with any of the persons whose names appear in the record above cited,

It also appears that persons bearing the names of Hotanbee and Hialea received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which would tend to show that the persons who received such scrip are identical with any of the persons through whom they claim.

It does not appear from the testimony and evidence offered in support of said 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 Klappanpintubbee, or Jim Hudson (Indian name Hotanbee), or Clarice Hudson (Indian name Hialea), or Tom Tikeli Yearby, or Sallie Yearby, or Charlie Yearby, or Leasa Yearby, through whom these 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 25, 1842, (5 Stats., 512).

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. H. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JUL 29 1904

M.C.R. 1257

COPY:

Muskogee, Indian Territory, July 29, 1904.

Louisa Byars,
Post Office Box #214,
Araders, Indian Territory,

Dear madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the application for identification as Missisippi Choctaws of AlaxByars and Emil Byars.

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

respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 2, 1904.

Louisa Byars,
Post Office Box #214,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask what has been done with your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself, your husband, Alex Byars, and your minor child, Emil Byars, as Mississippi Choctaws, but up to the present time no decision has been rendered relative to the rights of yourself, your husband, and minor child to such identification. When a decision is rendered you will be duly notified.

Respectfully,

Chairman.

COPY.

M.C.R.7287

Muskogee, Indian Territory, March 16, 1904.

Luisa Byars,

Box 214,

Ardmore, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

C. H. Breckinridge.

Commissioner in Charge.

Registered.
Enc.: MCR-7287

COPY.

M.C.R. 7287

Muskogee, Indian Territory, March 16, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Luisa Byars as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Registered.

Commissioner in Charge.

COPY.

M.C.R. 7287

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Luise Byars as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

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

Respectfully,

(SIGNED)

J. R. Breckinridge

Commissioner in Charge.

Registered.
Enc.: MOR-7287.

See MCR 2059 for registry receipt for this letter.

COPY:

Muskogee, Indian Territory, July 29, 1904.

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

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Alex Byars and Emil Byars, included in the case of Louisa Byars et al.

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

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY!

Muskogee, Indian Territory, July 29, 1904.

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

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, refusing the application for identification as Mississippi Choctaws of persons included in the case of Louisa Byars et al.

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

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

WM. O. BEALL,
Secretary

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

1878-1914
REPLY TO THE FOLLOWING:
M.C.R. 7287

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES:

Muskogee, Indian Territory, July 29, 1904.

Louisa Byars,
Post Office Box #214,
Ardmore, Indian Territory,

Dear madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Alex Byars and Emil Byars.

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

Respectfully,



Registered.

Commissioner in Charge.

COPY!

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Louisa Byars et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

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,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 inclosures M.C.R. 7287.

(COPY)

Department of the Interior,
OFFICE OF INDIAN AFFAIRS, COPY.

Land. 56074 -1904.

Washington, Oct. 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904 transmitting the record of the applications by Louisa Byars for herself, her husband, Alex Byars, and her minor child, Emil Byars.

From the records it is shown that the principal applicant, Louisa Byars, who is a full-blood Mississippi Choctaw Indian, was on March 12, 1904, duly identified as a Mississippi Choctaw under the provisions of section forty-one of the Act of Congress approved July 1, 1902 (32 Stat., 641).

July 29, 1904, the Commission decided adversely to the other applicants.

The record shows that Alex Byars claims rights to the Choctaw lands under Article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Elappan pin tubbee, through his son Jim Hudson (Indian name Hotanbee), and Clarice Hudson (Indian name Hialsee), all of whom are alleged to have been full-blood Choctaw Indians, and that Emil Byars claims said rights by reason of being a descendant of the above named ancestors, and Tom Tiheli Yearby, Sallie Yearby, Charlie Yearby

and Leesa Yearby, who are also alleged to have been full-blood Choctaw Indians.

It further appears from the record, and from the records of this office, that neither of said applicants has ever been recognized, enrolled or admitted to citizenship by the Choctaw Nation or by the United States.

It appears from the records of this office that persons bearing the names of Hotanbee and Hialec received scrip as beneficiaries under Article 14 of the treaty of Dancing Rabbit Creek, but there is nothing in the testimony of the applicants tending to show that the persons who received such scrip are identical with any of the persons through whom the applicants claim.

It does not appear from the record, or the records of this office relating to persons who complied or attempted to comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that Klappan pin tubbee, or Jim Hudson (Indian name Hotanbee) or Clarice Hudson (Indian name Hialec) or Tom Tikeli Yearby, or Sallie Yearby, or Charlie Yearby, or Leesa Yearby, through whom these applicants claim, or ancestors less remote, signified in person or by proxy to any person, an intention to comply with the provisions of Article 14, of the treaty of Dancing Rabbit Creek, or of the provisions of subsequent legislation thereunder.

In view of the record the approval of the Commissioner's

decision adverse to Alex Byars and Earl Byars is recommended.

Very respectfully,

A. C. Tomner,
Acting Commissioner.

M.M.M.

L.

(COPY)

Y.P.

D.C. 41079.
I.T.D. 10462-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

COPY
FHE

October 21, 1904.

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

Gentlemen:

August 15, 1904, you transmitted the record in the matter of the application of Louisa Byars for the identification of herself, her husband, Alex Byars, and her minor child, Emil Byars, as Mississippi Choctaws.

It appears that the principal applicant, Louisa Byars, was on March 12, 1904, duly identified as a Mississippi Choctaw under the provisions of section 41 of the act of July 1, 1902 (32 Stat., 641). On July 29, 1904, you decided adversely to the other applicants.

Re-reporting in the matter October 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

M.W. Miller
Acting Secretary.

1 inclosure.

M.C.R. 7287

COPY.

Muskogee, Indian Territory, October 31, 1904.

Louisa Byars,

Post Office Box #214,

Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Alex Byars and Emil Byars, of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

James P. Kirby

Chairman.

M.C.R. 7287

COPY.

Muskogee, Indian Territory, October 31, 1904.

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

Dear Sir:

You are hereby notified that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of Alex Byars and Emil Byars, of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

James Dixby
Chairman.

COPY,

Muskogee, Indian Territory, October 31, 1904.

Mansfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby advised that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of Alex Byars and Emil Byars, a copy of which decision was mailed you on the 29th day of July, 1904.

Respectfully,

SIGNED

Tama Dixey
Chairman.

Muskogee, Indian Territory, November 1, 1904.

Alex Byars,

Durwood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, in which you ask what disposition has been made of the application for the identification of yourself and minor child, Emil Byars, ~~the~~ Mississippi Choctaws.

In reply to your letter you are informed that on October 21, 1904, the Secretary of the Interior approved the decision of the Commission refusing the application for identification as Mississippi Choctaws of yourself and son Emil Byars. The Commission now considers this case closed, and it is not believed that you and your minor child are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 3, 1905.

Coleman & Mason,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, asking if there is any way whereby the Mississippi Choctaw application of Alex Byars and his son Emil may be re-opened.

It appears from our records that on October 21, 1904, the Secretary of the Interior approved the Commission's decision of July 29, 1904, refusing the application for the identification of Alex Byars and his son Emil Byars as Mississippi Choctaws.

In regard to securing a rehearing in this matter you are informed that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is

C & M 2

not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

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

Respectfully,

Commissioner in Charge.

M C R 7287

Muskogee, Indian Territory, April 28, 1905.

Alex Byars,

Durwood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment of Aneil Byars as a citizen of the Choctaw Nation, said child being the infant son of Alex and Louisa Byars, born August 30, 1899.

Respectfully,

Chairman.

M C R 7287

Muskogee, Indian Territory, July 26, 1906.

Robt. E. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Referring to your letter of May 28, 1906, enclosing motion for reopening the Mississippi Choctaw application of Alex Byars, et al., you are informed that said motion has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskegee, Indian Territory, July 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw application of Louisa Byars, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 29, 1904, refusing to identify Alex Byars and Emil Byars as Mississippi Choctaws, was, on August 15, 1904, forwarded the Department.

Louisa Byars was identified as a full blood Mississippi Choctaw March 12, 1904.

October 21, 1904, (I T D 10462-1904) the Department affirmed the decision of said Commission rendered July 29, 1904.

May 29, 1906, this office received from Robt. E. Lee, attorney at law, Ardmore, Indian Territory, a motion of Alex Byars for the reopening of the application for the identification of himself and minor child, Amel Byars, as Mississippi Choctaws. The motion is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MM 26/2

G.I. G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
10462-1904,
3270 -1907.

February 16, 1907.

IRS.
Direct.

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

Sir:

February 13, 1907 (Land 64,723-1906), the Commissioner of Indian Affairs transmitted a motion for a reopening of the Mississippi Choctaw case of Alex Byars et al., forwarded with your letter of July 26, 1906.

October 21, 1904 (I.T.D. 10462), the department approved the decision of the commission of July 29, 1904, identifying as a full-blood Mississippi Choctaw Louisa Byars, and denying the application for the identification of her husband Alex Byars and her minor child Paul Byars as Mississippi Choctaws.

Although applicants have made a prima facie showing, the department is not warranted, in view of the limitations allowed by section one of the act of Congress approved April 20, 1906 (34 Stat., 127), providing for the closing of the citizenship rolls of the Five Civilized Tribes on or before March 3, 1907, to reopen said case and grant a rehearing herein. Said motion for a rehearing is accordingly denied.

You will advise applicants and their attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and
4 inc. to Ind. Of.

AFMc
2-18-07

(COPY)

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

Land.
74639-1904.
84722-1908.

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 26, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, in the matter of the Mississippi Choctaw application of Louisa Byars et al., wherein a decision adverse to Alex Byars and Gail Byars was affirmed by the department on October 21, 1904 (I.P.D. 10462-1904).

Mr. Bixby forwards a motion of Alex Byars which he received from Robert E. Lee, an attorney at law of Ardmore, Indian Territory, for the reopening of the application for the identification of Alex and Gail Byars as Mississippi Choctaws.

The motion does set forth newly discovered evidence, and is for a reopening to admit of the submission of proof concerning the same ancestors with reference to whom investigation was made in the original examination of the case.

These applicants are among those known as the Bay Indians, being from Kanseak county, Mississippi, and descended from that

element of the Choctaws who fled from the emigration officers of the United States Government from fear that they might be forcibly removed to the Indian Territory after the ratification of the Choctaw treaty of 1830. None of the ancestors claimed under by these applicants are found to have been beneficiaries under the 14th article of the Choctaw treaty and the Office knows of no advantage that could be secured to the applicants by a re-examination concerning the same ancestors. It is recommended that the motion for reopening be denied .

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

KHE-Y.

MCR-7287.

Muskogee, Indian Territory, March 16, 1907.

Robt. E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of February 16, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907, denying a motion filed by you May 29, 1906, for a reopening of the Mississippi Chestaw case of Alex Byars et al.

Respectfully,

Commissioner.

HBC encl. 16-4

MCR-7287.

Muskogee, Indian Territory, March 16, 1907.

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

Gentlemen:

There is enclosed herewith copy of Departmental letter of February 16, 1907 (I.T.D. 10462-1904, 3270-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907 (land 74624-1904, 64722-1906), denying a motion filed May 29, 1906, by Robt. E. Lee, attorney at law, Ardmore, Indian Territory, for a reopening of the Mississippi Chestaw case of Alex Byars et al.

Respectfully,

Commissioner.

ENC encl. 16-5

REFER IN REPLY TO THE FOLLOWING:

MCR-7287.

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

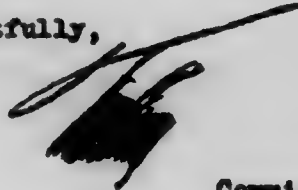
Muskogee, Indian Territory, March 16, 1907.

Alex Byars,
Durwood, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 16, 1907, denied a motion filed May 29, 1906, by Robt. E. Lee, attorney at law, Ardmore, Indian Territory, for a reopening of the Mississippi Choctaw case of Alex Byars et al.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name *Louisa Byars.*Age *22.* Blood *full.*Post Office, *Ardmon I. T.*Father: *Simon Yearby f.b. D.*Mother: *Celestine " f.b. D.*Claims through *both parents*Husband:*Alex Byars: ²⁴/₁₂ L*Father: *Phil Byars, w. D.*Mother: *Catharine " f.b. D.*

Children:

*Emil Byars (³/₄) 3**(Claims for self + one child -
Husband.)*

Stenographer

R. B. Eisenberg

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

SEP 26 1904

[Handwritten signature]

CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

10459

REGISTERED
MUSKOGEE, IND. TER.



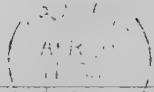
Louisa Byars,

~~Box #24~~

~~Muskogee, Indian Ter. I.~~

~~419~~
419

SEP 18 1904



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

Alex Byars,

Unclaimed.

~~Butwood, Indian Territory~~



usa 10 years, et al

ION RENDERED. MAR 12 1904

IDENTIFIED MAR 1 1904

COPY OF DECISION FORWARDED
APPLICANT MAR 1 1904

No. 1

NOTICE OF DECISION
FORWARDED ATTORNEYS
FOR CHICKASAW NATIONS

DECISION RENDERED JUN 1 1904

REFUSED
NOTICE OF DECISION FORWARDED
APPLICANT

No. 2 and 3

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION APPROVED BY

SECRETARY OF THE INTERIOR

187 21 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT

Choctaw MCR 7288

Emma Paro

MCR 7288

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

--o--

In the matter of the application of Emma Paro, for identification as a Mississippi Choctaw.

---o---

Herein is the record in the matter of the application of Emma Paro, for identification as a Mississippi Choctaw-
M.C.R. 7288.

-o-

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

---o---

In the matter of the application of Emma Paro, for identification as a Mississippi Choctaw, M.C.R. 7288.

--: I N D E X :--

	(Page)
Original application of Emma Paro to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying said applicant as a Mississippi Choctaw-----	3

---o---

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7288

In the matter of the application of Emma Paro for identification
as a Mississippi Choctaw.

J.G.Ralls, attorney for applicant.

Alex Byars duly sworn interpreting for applicant:

Emma Paro, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Emma Paro.
Q How old are you? A Between 70 and 80; about 75.
Q What is your post office address? A Ardmore.
Q How long have you lived at Ardmore? A A three months.
Q Where did you live before that? A Mississippi.
Q Were you born in Mississippi? A Yes.
Q Lived there all your life till you came to the Territory?
A Yes.
Q What is your father's name? A Tom-ut-tah.
Q Is he living? A No.
Q What was your mother's name? A Mollie Louise.
Q Is she living? A No.
Q Was your father full blood Choctaw? A Yes.
Q Your mother full blood Choctaw? A Yes.
Q You claim to be a full blood also? A Yes.
Q You claim your Choctaw blood through both parents? A Yes.
Q Did your mother have a Choctaw Indian name? A Yes.
Q What was it? A Ah-lo-mon-tohah.
Q Were your father and mother ever enrolled as members of the
Choctaw tribe of Indians by the Choctaw tribal authorities or
the authorities of the United States? A I don't know.
Q Are you married? A Yes.
Q Husband living? A No.
Q Have you any minor children for whom you wish to apply? A No.
Q This application is for yourself alone? A Yes.
Q Do you know the name of your father's father? A No.
Q Or your father's mother? A No.
Q Or your mother's father? A No.
Q Or your mother's mother? A No.
Q You don't know the names of any of your Choctaw ancestors far-
ther back than your father and mother? A No.
Q Did you ever make application to be enrolled as a member of the
Choctaw tribe of Indians in the Indian Territory to the Choctaw
tribal authorities? A No.
Q Is this the first application of kind for citizenship or en-
rollment in the Choctaw Nation that you have ever made? A Yes.
Q You appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory.

under the provisions of article 14 of the treaty of 1830? A Yes.
Q Do you understand article 14? A Yes.

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

Q Do you know whether your father or mother within six months after the ratification of the treaty of 1830 signified to the agent in Mississippi an intention to stay in the old Choctaw Nation, take land there and become citizens of the States? A I don't know anything about that.

Q Do you know whether your father or mother ever claimed or received any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I don't know.

Q Did your father and mother ever receive any scrip from the Government which entitled them to locate on land in Mississippi, Alabama, Louisiana or Arkansas, under the act of Congress approved August 23, 1842? A No.

Q Have all your ancestors always been full blood Choctaw Indians? A Yes.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to present? A No.

This applicant has the appearance of being full blood Choctaw Indian; speaks the Choctaw language; her examination conducted through an interpreter.

R. B. Eisenberg being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on March 23, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of June, 1903.

Charles E. Sawyer

Notary Public.

059

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

--o--

In the matter of the application of Emma Paro, for identification as a Mississippi Choctaw, M.C.R. 7288.

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

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission on March 23, 1903, by Emma Paro for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

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

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

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

It is, therefore the opinion of this Commission that Emma Paro should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



COMMISSIONER.



COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory,

COPY.

M.C.R. 7288.

Muskogee, Indian Territory, October 23, 1903.

Mama Sarc,

Ardmore, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 23, 1903, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before April 23, 1904, you will have six months from that date, or until October 23, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

RECEIVED.

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.: 7288.

COPY

M. C. R. 7288.

Muskogee, Indian Territory, October 23, 1903.

J. G. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 23, 1903, identifying Emma Pare as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

If the applicant removes to the Choctaw-Chickasaw country, Indian Territory, before April 23, 1904, she will have six months from that date, or until October 23, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED):

J. D. Noe

Commissioner in Charge.

Registered.
Enc.: 7288.

Muskogee, Indian Territory, October 23, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered October 23, 1903, identifying Emma Paro as a Mississippi Choctaw Indian, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Emma Paro as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,
(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.: 7288.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Emma Paro

Age 75 Blood full

Post Office, Ardmore S. T.

Father: To-mut-tah (f.b.) D

Mother: Mollie Louise (f.b.) D
(ah-lo-mon-tah)

Claims through both parents.

~~Children:~~

(Claims for self alone)

FOR IDENTIFICATION FILE NO. R. 726
A MISSISSIPPI CHOCTAW

Emma Paro

IDENTIFIED

0012, 11, 11

COPY OF DEEDS TO BE FOLDED
APPLICANT

NO. 1000

COPY OF DEEDS TO BE FOLDED

APPLICANT

Choctaw MCR 7289

Charley S. Farve

MCR 7289

1904
Charles S. Farver, et al

DECISION RENDERED MAR 11 1904

IDENTIFIED MAR 12 1904

Ch. 2

COPIES OF DECISION FORWARDED APPLICANT MAR 16 1904

NOTICE OF DECISION FORWARDED ATTORNEYS FOR APPLICANTS MAR 17 1904

NOTICE OF DECISION FORWARDED ATTORNEYS FOR CHIEF OF BUREAU OF INDIAN AFFAIRS, WASHINGTON, MAR 16 1904

DECISION RENDERED MAR 12 1904

REFUSED AUG 12 1904

NOTICE OF DECISION FORWARDED APPLICANT: AUG 12 1904

NOTICE OF DECISION FORWARDED ATTORNEYS FOR CHIEF OF BUREAU OF INDIAN AFFAIRS, WASHINGTON, AUG 12 1904

NOTICE OF DECISION FORWARDED ATTORNEYS FOR APPLICANTS. AUG 19 1904

RECORD FORWARDED DEPARTMENT. AUG 26 1904

REMAINED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING. FEB 5 1906

RECORD FORWARDED DEPARTMENT. FEB 31 1906

REFER TO M. G. R. 7286.
Supplemental to 2513.

RECEIVED DEPARTMENT OF INTERIOR FEB 27 1907

NOTICE OF DECISION FORWARDED APPLICANT: FEB 27 1907

NOTICE OF DECISION FORWARDED ATTORNEYS FOR APPLICANTS: FEB 22 1907

NOTICE OF DECISION FORWARDED ATTORNEYS FOR APPLICANTS: APR 22 1907

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

Herein is the record in the matter of the application of
Charley S. Farve, et al., for identification as Mississippi
Choctaws, M.C.R. 7289.

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

In the matter of the application of Charley S. Farve, et
al., for identification as Mississippi Choctaws, M.C.R. 7289.

I N D E X .

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Original application of Charley S. Farve, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission identify- ing Amelia Farve as a Mississippi Choctaw,.....	5

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 23, 1903.

7289

In the matter of the application of Charley S. Farve for the identification of himself, his wife, Amelia Farve, and his three minor children, Forest, Albina and Andrew Farve, as Mississippi Choctaws.

J.G.Ralls, attorney for applicants.

Charley S. Farve, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charley S. Farve.
Q How old are you? A Thirty six.
Q What is your post office address? A Ardmore, I.T.
Q How long have you lived there? A Two months.
Q Where were you born? A Bay St. Louis, Mississippi.
Q You always lived there until you came to the Territory? A Yes.
Q What is your father's name? A Tousan Farve.
Q Is he living? A He was about ten years ago; I haven't seen him since.
Q What is your mother's name? A Salina Farve.
Q Is she living? A No.
Q How much Choctaw blood did your father have? A Full blood.
Q How much Choctaw blood did your mother have? A Half; sister of Jack and Seymour Farve.
Q she claims one half, does she? A Yes; she was full blood sister of Jo Farve.
Q How much Choctaw blood do you claim to have? A Three fourths.
Q Do you claim your Choctaw blood through both your parents?
A Yes.
Q Has your father and mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States?
A No sir.
Q What is the name of your father's father? A I don't know.
Q Do you know the name of your father's mother? A Nancy Yearby; a sister of Tom Tikali-Yearby.
Q Was she a full blood Choctaw? A Yes.
Q Was your father's father a full blood? A Yes.
Q What was the name of your mother's father? A Charlie.
Q What was the name of her mother? A Celeste Thomas.
Q How much Choctaw blood did Charlie have? A Half.
Q How much did Celeste have? A She was full blood.
Q Your mother's father was half? A Yes.
Q And her mother was full blood? A Yes.
Q Then she claimed three fourths? A Yes.
Q And you claim 7/8 instead of 3/4? A Yes.

Q How old would your father be if living now? A About 60; between 50 and 60.

Q Do you know if Charlie, your mother's father, had an Indian name? A I don't know.

Q Do you know whether Celeste had an Indian name? A I don't know.

Q Are you married? A Yes.

Q What is your wife's name? A Amelia Farve.

Q Is she living? A Yes.

Q She a Choctaw? A Yes.

Q How much Choctaw blood does she claim? A Claims full blood.

Q What is your wife's father's name? A Tom Tikeli-Yearby.

Q Is he living? A No sir.

Q What is your wife's mother's name? A Sallie.

Q She living? A Yes.

Q Was Tom Tikeli-Yearby a full blood? A Yes.

Q And Sallie was a full blood? A Yes.

Q All the ancestors of your wife have been full blood Choctaw Indians? A Yes.

Q Have your wife's parents through whom you claim your right to identification for her ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?

A No sir.

Q Have you any minor children for whom you wish to make application? A Three; Forest, 10; Albina, 7; and Andrew, one.

Q This application then is for yourself, your wife, and three minor children? A Yes.

Q Is your name or the name of your wife or minor children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Is this the first application of any description for enrollment in the Choctaw nation that you have ever made? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of 1830? A Yes.

Q Do you understand that article? A Yes.

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

Q That is the provision of law under which you are claiming for yourself, your wife and three minor children the right to identification as Mississippi Choctaws? A Yes sir.

Q What is the name of your Choctaw ancestors who were living in Mississippi in 1830 when this treaty was made? A I don't know; on my mother's side--grandfather on my mother's side was Charlie Farve.

Q Did Charlie Farve have a Choctaw Indian name? A Not that I know of.

Q Did his wife have a Choctaw Indian name? A I don't know.

Q Did any of your Choctaw ancestors or any of your wife's ancestors appear before the Indian agent within six months from the ratification of the treaty of 1830 and signify to 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 or any of your wife's Choctaw ancestors ever receive any land from the Government under the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Chocaw 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 Have any of your Choctaw ancestors or any of your wife's Choctaw ancestors appeared before the Commissions of 1837 and 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either of the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors received any such scrip from the Government under that act of Congress? A No.

Q Have all of your wife's ancestors always been full blood Choctaw Indians? A Yes.

Q Your father was a full blood? A Yes sir.

Q And your mother's mother was a full blood? A Yes.

Q And your mother's father was half? A Yes.

Q Have you any further statements you wish to make? A I had a sister that made application here named Naziel Barnes; she made application two years ago down at Meridian.

Reference is made to the case of Naziel Barnes, M.C.R. 2519-- this case being supplemental to that one.

Q Do you speak or understand the Choctaw language? A I understand some of it; I speak a few words; when I was small I could speak it.

Q Do you desire time in which to introduce further evidence?
A Yes.

Thirty days time will be allowed for that purpose.

Applicant has the appearance of being almost a full blood Choctaw Indian; he claims that he is 7/8 Choctaw but he would easily pass

for a full blood Choctaw Indian; he has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Applicant excused, and Amelia Farve called and sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Amelia Farve.
Q What is your age? A Thirty five
Q You are the wife of Charlie S. Farve? A Yes.
Q What is your father's name? A Tom Tekeli-Yearby.
Q Is he living? A No sir.
Q What is your mother's name? A Sallie.
Q Is she living? A No, she dead.
Q Were both of your parents full blood Choctaw Indians? A Yes.
Q You claim to be full blood Choctaw Indian? A Yes.
Q All of your Choctaw ancestors have been full bloods? A Yes.
Q Do you know the name of any of your Choctaw ancestors farther back than your father and mother? A No sir.
Q Do you know whether any of your ancestors received or claimed any land in Mississippi under the provisions of article fourteen of the treaty of 1830? A No sir.
Q Do you know whether any of them receive any scrip from the Government as Choctaw Indians? A No sir.
Q Do you know anything about the Choctaw ancestors of Charlie S. Farve? A No.
Q Do you know whether they ever received any scrip from the Government? A No.
Q Do you speak or understand the Choctaw language? A Yes.

This applicant, the wife of the principal applicant in this case, has every appearance and characteristic of a Choctaw Indian; she speaks the Choctaw language and also speaks English; she has no knowledge of any compliance on the part of her ancestors or her husband's ancestors with the provisions of article fourteen of the treaty of 1830.

R.B.Eisenberg being 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 March 23, 1903, and that the above and foregoing is a full true and correct transcript of his stenographic notes in same.

R. B. Eisenberg
July

Subscribed and sworn to before me this 13 day of June, 1903.

Charles H. Sawyer

Notary Public.

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

In the matter of the application of Charley S. Farve, et al.,
for identification as Mississippi Choctaws, M.C.R. 7289.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 23, 1903, by Charley S. Farve for himself, his wife, Amelia Farve, and his three minor children, Forest, Albina and Andrew Farve, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

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

From the evidence submitted in support of said application it appears that the wife of the principal applicant is a full-blood Mississippi Choctaw Indian. All the other applicants herein are mixed-blood Choctaws, and whatever rights as Mississippi choctaws they may possess by reason thereof will be determined at a later date.

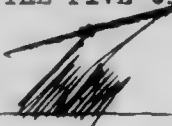
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stat., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

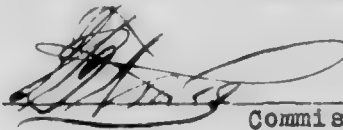
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants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

It is, therefore, the opinion of this Commission that Amelia Farve should be identified as a Mississippi Choctaw, and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



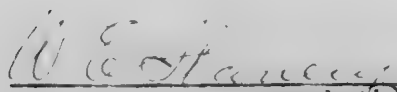
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 1 1904

COPY. M.C.R. 7289

Muskogee, Indian Territory, March 16, 1904.

Amelia Parve,
Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

D. E. Broekman, Jr.

Commissioner in Charge.

Registered.

Enc. MCR 7289.

Muskegee, Indian Territory, March 16, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Amelia Farve (wife of Charley S. Farve), as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 441).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 7289

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Amelia Farve (wife of Charley S. Farve), as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Amelia Farve as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED)

C. H. Breckinridge.

Commissioner in Charge.

Registered.
Enc. MCR 7289.

M C B 7299
M C R 2819

Muskogee, Indian Territory, April 28, 1903.

Charley Farve,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask if the names of Charley S. Farve, Amelia Farve, and Mamiel Barnes "are on the Miss. Choctaw rolls and approved."

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself, your wife, and three 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. As soon as a decision is rendered you will be duly notified of the action of the Commission.

It further appears from our records that Mamiel Barnes made application to this Commission for the identification of herself and minor child as Mississippi Choctaws. On July 23, 1902, the Commission rendered its decision refusing her application, and she was on the same date duly notified by registered mail of the action of the Commission, at her last known post office address, Mississippi City, Mississippi.

The Commission has not up to the present time been advised

C F 2

vised of any departmental action taken in said case. As soon as the Commission is notified of the decision of the Secretary of the Interior the applicant will be duly advised thereof.

Respectfully,

Chairman.

M C R 2513
M C R 7289

Muskogee, Indian Territory, January 14, 1904.

Ed Byrd,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, wherein you state "Your letter to Charley Farve written Dec 28th 1903 was handed me to reply. There are more than one Charley Farve. The one that lives here is the one who appeared in person before you at Muskogee March 23 - 1903. His wife is a full blood name Amelia Farve. She was a Yearby and the Yearbys have all been identified. She has three children as follows Forest 10 years old Boy Elvena 7 years old Girl & Andrew 1 year old boy. Please let me know if these have been acted on."

In reply you are informed that it appears from our records that Charley S. Farve, thirty-six years of age, post office address Ardmore, Indian Territory, appeared before this Commission at Muskogee, March 23, 1903, and made application for the identification of himself, his wife, Amelia, and three minor children, Forest, Albina and Andrew Farve, as Mississippi Choctaws, but up to the present time no decision has been rendered relative to the rights of these applicants to such identification. When a decision is rendered they will be duly notified of the action of the Commission.

N B 2

Our letter of December 28, 1903, was intended for Charley Farve, and not Charley S. Farve. You will therefore please return said letter to the Postmaster at Ardmore in order that proper delivery may be made of the same.

Respectfully,

Chairman.

COPY.

M.C.R. 7289

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Amelia Farve (wife of Charley S. Farve), as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Amelia Farve as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered.
Enc. MCR 7289.

See MCR 2059 for registry receipt for this letter.

COPY.

Muskogee, Indian Territory, March 16, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Amelia Farve (wife of Charley S. Farve), as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. H. Brockinridge.

Commissioner in Charge.

Registered.

Muskegee, Indian Territory, March 16, 1904.

Amelia Farve,

Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Brockinridge

Commissioner in Charge.

Registered.

Enc. NCR 7289.

Muskogee, Indian Territory, March 22, 1904.

Ed Byrd,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, asking if Amelia Farve could have land set aside for her until a decision is reached in the matter of her application for identification as a Mississippi Choctaw.

In reply you are informed that on March 12, 1904, the Commission rendered a decision identifying Amelia Farve as a Mississippi Choctaw entitled to allotment of the lands of the Choctaw and Chickasaw Nations, of which action said applicant was duly notified on March 16, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 28, 1904.

Ed Byrd,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask "has Amelia Farve been passed on by the Secretary; can she now file?" With your letter you enclose a plat indicating the land which you desire Amelia Farve to file on.

In reply to your letter you are informed that on March 12, 1904, the Commission rendered a decision identifying Amelia Farve as a full-blood Mississippi Choctaw, and her name has been placed upon a schedule of duly identified Mississippi Choctaws prepared by this Commission to be forwarded to the Secretary of the Interior. When the schedule containing the name of Amelia Farve has been approved by the Secretary of the Interior and returned to this Commission, she will then be permitted to make selection of allotment of the lands of the Choctaw-Chickasaw country, Indian Territory.

The plat enclosed in your letter showing the proposed filing by Amelia Farve is herewith returned you.
Respectfully,

Chairman.

COPY: M. C. R. 7289

Muskogee, Indian Territory, August 12, 1904.

Charley S. Farve,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 12, 1904, rendered its decision, refusing the application for identification as Mississippi Choctaws of yourself and your minor children, Forest Farve, Albina Farve and Andrew Farve.

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

Respectfully,
(SIGNED)

I. D. Needles.

Registered.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, August 12, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 12, 1904, rendered its decision, refusing the applications for identification as Mississippi Choctaws of Charlie Farve, Turner Farve, Charley S. Farve, Forest Farve, Albina Farve and Andrew Farve, included in the consolidated case of Salina Farve et al., embracing the following cases:

Salina Farve et al.,	M.C.R. 7286
Charley S. Farve et al.,	M.C.R. 7289.

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

Respectfully,
(SIGNED)

T. B. Needles.
Commissioner in Charge,

Registered.

M C R 2519
M C R 7289

Muskogee, Indian Territory, December 1, 1904.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, asking what further proof is necessary in the applications of Charley S. Farve and minor children, and Haziel Barnes and minor child, Richard, for identification as Mississippi Choctaws.

In reply you are informed that the record in the matter of the application of Charley S. Farve for the identification of himself and minor children, Forest Albina and Andrew Farve, together with the Commission's decision adverse to the applicants, was forwarded the Department on August 30, 1904, and this office has not been advised of any departmental action thereon. When action is taken on said case by the Secretary of the Interior, and the Commission advised thereof, the applicants will be promptly notified.

On November 21, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application of Haziel Barnes, et al. for identification as Mississippi Choctaws, and this case is now considered closed.

You are further advised that the Commission now has no

R E L

authority to receive or consider any further evidence in support
of the applications herein mentioned.

Respectfully,

Commissioner in Charge.

M O R 7289

Muskogee, Indian Territory, April 28, 1905.

Charles S. Farve,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the applications for the enrollment as citizens of the Choctaw Nation of Forest Farve, born October 5, 1891, and Elvener Farve, born April 5, 1897, children of Charles S. and Amelia Farve.

Respectfully,

Chairman.

D. C. 5275-1906.

I. T. D. 1806-1906.

L. R. S.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C.

G. R.
LLB.

February 5, 1906.

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

Sir:

August 30, 1904, the Commission to the Five Civilized Tribes transmitted the record in the consolidated cases of Salina Farve et al., M. C. R. 7282, and Charley B. Farve et al., M. C. R. 7289, applicants for identification as Mississippi Choctaws, including its decision dated August 12, 1904, refusing to identify as Mississippi Choctaws all of the applicants named therein of mixed Choctaw blood, for the reason that they "do not come within the purview of said section" 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

It appears that the principal applicant, Salina Farve, and her minor brothers and sisters, Thomas Yearby, Joseph Yearby Christie Yearby, and Mary Yearby, were on March 12, 1904, duly identified by the Commission as full-blood Mississippi Choctaws.

Applicants, former residents of Bay St. Louis, Hancock County, Miss., prior to their emigration to Ardmore, Ind. T., applied to the Commission on March 23, 1903, at Muskogee, Ind. T., to be identified as Mississippi Choctaws, claiming descent

through Salina Farve, principal applicant, identified as a full-blood Mississippi Choctaw, who is the daughter of Simon Yearby, son of Tom Tikela-Yearby, an alleged son of Year Bey. On her maternal side, Salina Farve, the principal applicant, claims descent through Celestine Farve, her mother, a full-blood Choctaw Indian daughter of Charles Farve.

Applicants do not know whether the ancestors named complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or were beneficiaries there under. Applicants have the appearance of being full-blood Choctaw Indians, and understand and speak the Choctaw language.

The records show that one Year Bey, who lived at the date of the treaty of Dancing Rabbit Creek, on Yazoo or Tokah Creek, in Lauderdale County, Mississippi, early in the summer next after the treaty was made, in company with Multiah and another neighbor, started to the agency of Colonel Ward, then on Noxubee to signify their intention to remain and take the five years' stay, but meeting en route other Choctaw Indians returning, who told them it was of no use, that Colonel Ward was drunk and refused to enroll any more Choctaw Indians, Year Bey and his company returned.

Soon after the third emigration of the Choctaw Indians west, Yearby went down to Hancock County, Mississippi, on a hunt, and there joined the Bay St. Louis Indians, and later

returned with one Hacubbee to his old settlement on Yazoo Creek, where he found his improvements in possession of white men.

Year Bey claimed a section of land for himself and children, of whom one was named Tikalee, or Tikaler, or Tick-coller, a child under ten years of age at the date of said treaty, but the claim of said Year Bey appears to have been rejected

The ancestor of applicants named, Tom Tikela Yearbey, is believed to be identical with Tikalee, or Tikaler, or Tick-coller, the son of Year Bey. See Choctaw Nation vs. the United States, Court of Claims, No. 12742, volume 1, pages 614, 694, 766, 794, and 808. The ancestor on maternal side, Charles Farve is believed to be identical with Charles Farve, a Bay St. Louis Indian, of record as a Choctaw claimant under article 14 of the treaty of 1830. See American State papers, volume 34, public lands, volume 7, page, 173.

As ancestors of applicants in these cases appear to be identical with the ancestors of Nancy Agloff et al., and Emma Taylor et al., subjects of departmental letter of January 4, 1906, (I. T. D. 4764-1904), and Jim Farve et al., subject of departmental letter of January 18, 1906 (I. T. D. 4712-1904), the records of which were on said dates remanded to you for a more complete investigation, the record herein is remanded to be consolidated with said above named cases for a full investigation as indicated in departmental letter of January 4, 1906, as to Nancy Agloff.

Copy of Indian Office letter of January 30, 1906,
favoring such investigation, together with a copy of the Indian
Office letter of February 24, 1854, relative to Bay State
Indians, are inclosed for your information.

Respectfully,

(Signed) Thos. Ryan

2 inclosures.

First Assistant Secretary.

Refer in reply
to the follow-
ing: Land
59931-1904

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, January 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes relating to the applications of Salina Farve for herself, her husband, Charlie Farve, her minor child, Turner Farve, and her four minor brothers and sisters, Thomas, Joseph, Christie and Mary Yearby; and by Charley S. Farve, for himself, his wife Amelia Farve, and his three minor children, Forest, Albina and Andrew Farve, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on August 12, 1904.

The Commission determined from the records that Salina Farve, Thomas Yearby, Joseph Yearby, Christie Yearby and Mary Yearby are full blood Mississippi Choctaw Indians, and were accordingly, on March 12, 1904, duly identified.

The evidence shows that all the other applicants are mixed blood Choctaws. Charlie Farve claims rights in the Choctaw lands by reason of being a descendant of Jack Farve who is alleged to have been a one-half blood Choctaw Indian, ~~Edward~~.

who is alleged to have been a one-fourth blood Choctaw Indian, and Tobie, who is alleged to have been a full blood Choctaw Indian. Turner Farve, a minor applicant, claims rights by reason of being a descendant of the above named ancestors and Tom Tikela (or Tikeli) Yearby, Sallie Yearby, Charles Farve and Leesa Farve (nee Stout) all of whom are alleged to have been full blood Choctaw Indians. The principal applicant, Salina Farve, claims rights by reason of being a descendant of Nancy Yearby and Celeste Thomas, both of whom are alleged to have been full blood Choctaw Indians, and Charlie, who is alleged to have been a one-half blood Choctaw Indian. The minor applicants, Forest, Albina and Andrew Farve, claim rights by reason of being descendants of the last above named ancestors and Tom Tikela (or Tikeli) Yearby and Sallie Yearby.

The Commission found from the evidence in support of the applications and from its records, that none of the 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.

The Commission reports that from an examination of its records, it has been found that the name of Tik-a-lee appears on page 808, and the name Tikaler (or Tick-coller) on page 614 of volume 1 of the printed record in the case of the Choctaw Nation v. United States before the Court of Claims, wherein it appears, among other things, that Tik-a-lee (or Tikaler or Tick-

collar) was a child under ten years of age, a son of Year-by (alias Ye-ah-bee) whose claim was rejected by the Secretary of the Interior on September 30, 1854; but it does not find that any of the ancestors through whom they claim are identical with the person whose name appears in the record above cited.

The Commission further found that it does not appear from the evidence offered in support of the applications, or from the records in its possession relating to persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and to persons who were claimants thereunder, that Tom Tikela (or Tikeli) Yearby, through whom these applicants claim, or Sallie Yearby or Charles Farve or Leesa Farve (nee Stout) or Jack Farve or Edward or Tobie or Nancy Yearby or Charlie or Celeste Thomas, signified to the Indian Agent at Choctaw Agency an intention to comply with the provisions of article 14, 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). Predicated on the findings above given the Commission declared that the evidence submitted was insufficient to determine the identity of Charlie Farve, Turner Farve, Charley S. Farve, Forest, Albina and Andrew Farve, as Choctaw Indians, entitled to rights in the Choctaw lands as descendants from beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants are now, or were until recently, residents of Hancock County, Mississippi, or or near Bay St. Louis.

They have as surnames and have given as the surnames of their ancestors names which are shown by the records of this office to be those of families who were recognized members of the Choctaw Tribe in 1830, and who sought to secure the benefits of the Choctaw treaty of September 27 of that year, and made attempts to register with the Indian Agent for the Choctaws their intention to remain the five years and take the benefits of the 14th article. They were frightened off by agents of the Government who were seeking to remove them to the west, deserted the lands they were holding, with the intention of taking them under the provisions of the 14th article and fled to the southern part of Mississippi on Bay St. Louis. From this circumstance, they became known as the "Bay Indians."

The claims and interests of these Indians resulted in a great deal of correspondence with the War Department during upwards of 20 years after the negotiations of the treaty. In the Indian Appropriation Act, approved August 30, 1862 (10 Stats., 42), the following appears:

That the Secretary of the Interior be and he is hereby authorized to examine the reservation claims of the Choctaws known as Bay Indians and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of twenty-third August, eighteen hundred and forty-two, and of third March, eighteen hundred and forty-five.

There was incorporated in the Indian Appropriation Act, approved March 3, 1853, the following provision:

That the authority of the Secretary of the Interior to examine claims of Choctaws to reservations of land under the treaty of 1830 is extended to all cases recommended by either of the boards of commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as their warrants in in payment for any public lands subject to sale at private entry.

On February 24, 1854, the Office reported to the Secretary of the Interior at length relative to the claims of the Bay Indians, a copy of which communication is enclosed. The claims of all the Bay Indians were finally rejected by the Secretary of the Interior under the legislation above mentioned.

The ancestors of 1830, on their descent from whom these applicants rely, are Tom Tikela Yearby, Sallie his wife, Charles Farve and Leesa Stout. The other ancestors mentioned are either living or are descendants of the ancestors just mentioned.

The name given in the record in this case as Farve was variously spelled by the representatives of the Government who investigated the claims of the Choctaw Indians, as Farve, Farver, Farveur and Favre. Bateas Farver was the head of a Choctaw family in 1830. In fact he had two wives, but the family with whom he lived and the head of which he was accounted was that of his wife To-she-ah-hoka. There were children still living at home named Shoemaker (over ten years of age) and Catherine (under ten years of age). His residence was on the northwest quarter of section 22, township 7 north, range 17 east, Landerdale County, Mississippi. His second wife, Hi-e-an-to-nah,

resided on section 2, township 2 north, range 10 east, Jasper County, Mississippi. Her children were John, Clarissa, Mary (who died leaving a son, Ellis), and Ellen, these being over ten years of age in 1830, and Louisa and Finn, under ten years of age. The records relating to these persons will be found in the volumes of printed evidence in the case of the Choctaw Nation, v. the United States, in volume 1, pages 626, 756 and 764.

There was another member of the same family known as ~~Lixey Favre~~ or ~~Alexes Farvour~~, who was a resident of the southwest quarter of section 31, township 9 north, range 15 east, in Kemper County, Mississippi. His children were Isabella, over ten years of age, and Mary Ann, under ten years of age. The record relating to these people will be found in the volume above mentioned at pages 614, 694 and 764. Lixey Favre's grandmother, in behalf of whom he made a claim for land, was Channey, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. The record relating to her will be found in the volume above mentioned at pages 614 and 692. The mother of Lixey Favre was Pis-ti-ok-on-na, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. Her children were Louis, who died subsequent to the treaty, leaving children as follows: Mary, Louis, Edward, and Sillas (female); Katharine, who died without issue, and Charles, the three mentioned having been above ten years of age in 1830; and Batteese, under ten years of age. Record relating to her claim will be

found in the same volume as above, at pages 625, 746, 747 and 748.

Yearby (or Yeab-bee), was a resident of the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. His children were Tik-a-ler, or Tick-coller, over ten years of age, Ona-nah-he-mah (female), Hi-a-lah (female), Way-tubbee and Nan-che-mah (female) who died without issue, these latter being under ten years of age in 1830. His case will be found mentioned in the printed record referred to, at pages 614 and 808. His mother was Ho-to-ney or Ho-tun-nee, who resided on the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. Mention of her case will be found in volume 1 of the printed record referred to, at pages 613 and 808.

The name of Likela Yearby and the surnames of Yearby and Farve are the only names under which the applicants claim which appear on the records of this office, except that the records show there was a John Farve, who might be the Jack Farve under whom they claim.

In view of the similarity of the names and the history of the Bay Indians, it is deemed important that this case should be more thoroughly investigated, and I therefore recommend that it be remanded to the Commissioner to the Five Civilized Tribes for a rehearing under the instructions under which the cases of Nancy Agloff and Kama Taylor were remanded by the Department, these parties being members of the same family.

Very respectfully,
RBH-Y O. F. Larrabee, Acting Commissioner.

(Copy)

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 24, 1854.

Sir:

I have attentively perused the joint letter addressed to you on the 6th instant by the Honbles. W. P. Harris of Miss. and W. M. Churchwell, of Tenn., and that from the Hon. A. G. Brown of Miss., dated the 13th inst. in reference to certain Choctaw reservations claims under the Treaty of Dancing Rabbit Creek and beg leave to submit the following report.

By the act of 30th of August 1852 (acts of 32nd Congress 1st sess. ch. 103, p 42) the Secretary of the Interior was "authorized to examine the reservation claims of the Choctaws, "known as the Bay Indians, and of those Choctaws in whose "cases the scrip awarded by the late Board of Commissioners "has not been issued, and when he shall find that such Indians "are clearly entitled to land under the fourteenth article of "the treaty of eighteen hundred and thirty, and under the sev- "eral acts heretofore passed in relation to such claims x x "to extend to such claimants the provisions applicable to "such claims in the acts of twenty third August, eighteen hundred "and forty two, and of third March eighteen hundred and forty "five" And by the act of 3rd of March 1853 (acts of 32nd Con- gress, 2nd session, ch. 104, p 227, it is further provided

"that the authority of the Secretary of the Interior to examine the claims of Choctaws to reservations of lands under the treaty of eighteen hundred and thirty, shall extend to all cases recommended by either of the Boards of Commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as other warrants in payment for any public lands subject to sale at private entry."

The 14th Article of the treaty of 27th of September 1830, to which these facts refer, is in these words, and will be found at p.335, vol. 7 Stats at Large: "Each Choctaw head of a family, being desirous to remain and become a 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."

The subject of these claims was brought to my notice by letter from Henry L. Martin, Esq., representing himself as the attorney for the claimants, dated the 15th of June last, accompanied by a lengthy argument, and a copy of a communication which he had addressed to the Commissioner of Indian Affairs, on the 28th of April last.

The matter was referred to the Commissioner of Indian Affairs, with directions to make the necessary examinations, to report the result for the action of the Secretary of the Interior required by law.

On the 15th of August 1853 the Commissioner submitted his report accompanied by an argument addressed by Mr. Martin on the 11 of August 1845, to the Secretary of War (Gov. Marcy) before whom the case was then pending, and certain other papers showing the previous action had by Mr. Secretary Wilkins and President Tyler's decision of the 3rd of March 1845, and the action taken by Mr. Secretary Marcy under the authority conferred upon him

by the joint resolution of 3rd August 1846.

The acts of 31 August 1852 and 3rd of March 1853, required that the Secretary of the Interior should be satisfied that the Indian claimants were "clearly entitled." I duly examined the subject, and attentively considered the several arguments, filed at various times, by the attorney of the claimants, and came to the conclusion that I could not, under the enactments before mentioned, change the rule prescribed by Attorney General Mason, and adopted by Mr. Secretary Marcy, and on the 26th of August last directed the Commissioner of Indian Affairs, to report to me, the several cases, which came within it, with the accompanying papers, and a brief of the evidence for my final adjudication. As yet, this has not been done.

Subsequent to my decision of the 26th of August last (a copy of which is herewith submitted) I reviewed my action in the matter, at the instance of the Hon. W. M. Churchwell, (in whose behalf, the Hon. A. O. P. Nicholson filed the written agreement, which will be found among the papers), but without being able to arrive at a different conclusion.

The letters of Messrs. Brown, Harris and Churchwell, request that you will "as the best means of operating persuasively, if not otherwise upon the mind of the Secretary of the Interior cause the subject to be investigated by the Attorney General, and that his opinion x x x shall be the rule of adoption in the ultimate adjudication of the claims" and they state the particular

-- 5 --

question, on which, they desire the opinion of the Attorney General.

I respectfully submit all the papers in the case, to the end that you may, if in view of the language of the Acts of 1852 and 1853, before referred to, and the action had by the Department, pursuant thereto, you should consider the case, as one calling for the interposition of the Executive, give such directions in the premises, as to you may seem proper and necessary.

I have the honor to be

With much respect

Your obedient servant,

(signed) R. McClelland,

Secretary.

To the President.

MEMORANDA.

First report to Sec'y Spencer, approved by him and
by Pres't Tyler, 1842.

Second report made to Sec'y Wilkins, disapproved by
him, and his opinion concurred in by Pres't Tyler, March 3, 1845.

Third report made by Sec'y Marcy, and approved by him,
1845.

Fourth report made to Pres't and by him referred to
Atty Gen'l Mason, whose opinion was adverse to claimants, and
affirmed by Pres't Polk and Gov. Marcy.

Fifth report made to Sec'y Int. & approved by him 1853.

All the Comrs. Ind. Affairs, Crawford, Medill & Manypenny
report adversely.

SECRETARY OF THE INTERIOR.

24. Feb. 1854.

To the President.

In reference to the letters of Hon. A. G. Brown, W. P.
Marris & W. M. Churchwell respecting the reservation claims
under the 14th Article of the Treaty of Dancing Rabbit Creek,
of 27 September, 1830.

Endorsements (2)

See Atty Gen'l's opinion (Mason) part 2d Atty Genl
Opinions page 1769, Nov. 18, 1845, page 1809, for opinion of
July 23rd, 1846.

Act of 1842, 5 U. S. L. by L. & B., page 514, sec. 3,
Secs. 4 and 6.

File

See letter to Com. Ind. Affs., 2nd March/54.

The reports of the Commissioners of Indian Affairs
upon this subject, made in 1842, 1846 and 1853. The opinions of
Atty Gen'l Mason. The decisions of J. C. Spencer & W. L. Marcy,
Sec'y of War, and that of President Polk of Feb'y 29, 1846,
after a careful examination leaves upon my mind no doubt of their
soundness, even upon the provisions of the law of 1842.

But under the provisions of the law of 1852, the
question raised in this case is addressed solely to the con-
science and judgment of the Sec'y of the Interior, and I
decline to refer the papers to the Atty General.

Feb'y 27, 1854.

(signed) Franklin Pierce.

M C R 7289

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

Muskogee, Indian Territory, February 10th, 1906.

Charley S. Farve,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on January 18, 1906, the Secretary of the Interior returned to the Commissioner to the Five Civilized Tribes the records in the following Mississippi Choctaw cases:

Jim Farve, et al.,	M C R 2418
Frisen Farve,	2402
Billie Farve, et al.,	2416
Adolphe Feyerd,	7290
Louisa Farve,	2369
Seymour Farve, et al.,	2421
Clemogene Farve,	2520
Elizabeth Farve,	2521

In these cases decisions adverse to the applicants were rendered by the Commission to the Five Civilized Tribes on March 30, 1904. The Secretary of the Interior on January 18, 1906, set aside said decisions and states as follows:

"The records of the Indian Office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation, in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it not been for the forcible dispossession of the members of said company by the whites. Being driven from their lands, they moved to Hancock County, in the extreme southern part of Mississippi, where they were subsequently known as the Bay St. Louis Indians. Said records further show that the Farve, Yearby, and allied families were members of this company.

In view of the further fact that the records of the Indian Office show that application was attempted on behalf of persons of the same name as the ancestors named above, additional investigation is necessary, particularly in view of the fact that the original hearings were much less complete than those made by the Commission under the instructions given it in the Lizzie Woodward and Harriett Atkins cases."

The Commissioner is directed to make a full and complete investigation of these cases and to exercise care to ascertain the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they can furnish the same, and where a common ancestor is apparent, to consolidate the cases.

The Secretary of the Interior, under date of February 5, 1906, also returned to the Commissioner to the Five Civilized Tribes the records in the matter of the applications of Malina Farve, et al., M.C.B. 7288, and Charley S. Farve, et al., M.C.B. 7289, for further investigation in connection with the cases above named, relative to the rights of Charlie Farve, Turner Farve, Charley S. Farve, Forest Farve, Albina Farve and Andrew Farve, to be identified as Mississippi Choctaws.

You are hereby notified that in accordance with the Department's instructions the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at four o'clock P. M., hear your testimony and the testimony of such witnesses as you may present in reference to your Choctaw ancestors and their recognition as members of the Choctaw tribe of Indians in the State of Missis-

Charley S. Farve 3

ippi. You should, if possible, at said hearing secure the attendance of old persons who were personally acquainted with your ancestors in the State of Mississippi, and who might be able to furnish reliable information relative to the removal of the company of Indians residing in Kemper County, Mississippi, in 1830, to Bay St. Louis in Hancock County, Mississippi.

Copy of Departmental letter of January 18, 1906; also of February 5, 1906, is herewith enclosed for your information.

Respectfully,


Acting Commissioner.

Registered.

MAN 10/28

mm 10/28
D.C.3142-1906
I.T.D.4712,4770,
5166,5238-1904 (Copy)

J.W.H.
LLB
IRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 16, 1906.

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

Sir:

On May 14, 1904, by separate letters, the Commission to the Five Civilized Tribes transmitted the records in the Mississippi Choctaw cases of Jim Farve et al., Louisa Farve or Favre, Seymour Farve et al., and Clemogene Farve et al.

The principal applicants in the case of Jim Farve et al. are the children of Jules Farve and Isabelle Farve, nee Yearby. The former who is possessed of Choctaw and French blood, in equal amounts, is the son of Charles and Celeste Farve. His wife, the said Isabelle Yearby, is a full-blood Choctaw and the daughter of a Choctaw Indian named Tikeli or Tom Tikeli Yearby.

In the case of Seymour Farve et al., the principal applicant is the son of one Charley Farve, whose blood was one-half Choctaw and one-half French, and of Celestine Farve, nee Ma-ka-hi-yah. The latter was a full-blood Choctaw. From the age, place of residence, and family associations of the applicants in this case it is highly probable that their ancestors,

so far as ascertained, were identical with the Charles and Celeste Farve referred to in the foregoing paragraph.

In the case of Louisa Farve, the same being an application for herself alone, it appears that the applicant was the daughter of a three-fourths blood Choctaw named Albert (or "Norbert") Farve or Favre and Idell Westbrook, who is nearly, if not quite, a half-blood Choctaw. The said Albert Farve was the son of a full-blood Choctaw named Charley Farve, who may have been identical with the person of the same name who was the ancestor in the two cases referred to above.

In the case of Clemogene Farve et al., it appears that the applicants are relatives of those named in the foregoing cases. In this case there are two applicants, Clemogene and Elizabeth Farve. Both of them claim to be full-blood Choctaws. Their parents, Pierre and Catherine Farve were full-blood Choctaws. Although one of them stated that she knew her grandmother she was not asked by the examiner to furnish the name of such ancestor. Contrary to their allegations to the effect that they are full-blood Choctaws, one witness in the case, aged 73 at the date of the hearing, testified that their father, Pierre Farve, was a three-fourths blood Choctaw. Thus as the record stands the quantum of blood of said applicants has not been determined, and the witnesses are two to one in favor of the allegation that they are full-bloods. Investigation to determine this point is nec-

essary, the evidence now before the Department having been taken prior to the act of July 1, 1902, by virtue of which full blood Choctaws acquired the right to be identified as Mississippi Choctaws without further evidence.

The records of the Indian Office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation, in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it not been for the forcible dispossession of the members of said company by the whites. Being driven from their lands, they moved to Hancock County, in the extreme southern part of Mississippi, where they were subsequently known as the Bay St. Louis Indians. Said records further show that the Farve, Yearby, and allied families were members of this company.

In view of the further fact that the records of the Indian Office show that application was attempted on behalf of persons of the same name as the ancestors named above, additional investigation is necessary, particularly in view of the fact that the original hearings were much less complete than those made by the Commission under instructions given it in the cases of Lizzie Woodard and Harriett Adkins.

Reference is here made to the Mississippi Choctaw cases of Nancy Agloff and Emma Taylor, which were recently returned to

you for further consideration because of the descent of the applicants from a person named Yearby through his son Tikeli Yearby, both of whom were, if identical with certain persons of the same name mentioned in letter of the Indian Office, entitled to the benefits of article 14 of the treaty of 1830.

~~The decisions of the Commission to the Five Civilized Tribes~~
in all of the Farve cases referred to above are hereby set aside, and the records in said cases are returned herewith for further investigation. You are directed to make such investigation as fully and completely as was directed in departmental letter relative to the case of Nancy Agloff and Emma Taylor, referred to above. Care should be taken to ascertain the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they can furnish the same, and where a common ancestry is apparent the cases should be consolidated.

There are inclosed herewith copies of Indian Office letters of June 8, 9, 22 and 24, 1904, relating to the records in the Farve cases.

respectfully,

(signed) THOS. RYAN,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 inclosures.

mm 10/28

SECRETARY'S OFFICE

G. R.
LLB.

D. C. 5275-1906.

DEPARTMENT OF THE INTERIOR,

I. T. D. 1806-1906.

WASHINGTON, D. C.

L. R. S.

February 5, 1906.

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

Sir:

August 30, 1904, the Commission to the Five Civilized Tribes transmitted the record in the consolidated cases of Salina Farve et al., M. C. R. 7282, and Charley S. Farve et al., M. C. R. 7289, applicants for identification as Mississippi Choctaws, including its decision dated August 12, 1904, refusing to identify as Mississippi Choctaws all of the applicants named therein of mixed Choctaw blood, for the reason that they "do not come within the purview of said section" 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

It appears that the principal applicant, Salina Farve, and her minor brothers and sisters, Thomas Yearby, Joseph Yearby, Christie Yearby, and Mary Yearby, were on March 12, 1904, duly identified by the Commission as full-blood Mississippi Choctaws.

Applicants, former residents of Bay St. Louis, Hancock County, Miss., prior to their emigration to Ardmore, Ind. T., applied to the Commission on March 23, 1903, at Muskogee, Ind. T., to be identified as Mississippi Choctaws, claiming descent

through Salina Farve, principal applicant, identified as a full-blood Mississippi Choctaw, who is the daughter of Simon Yearby, son of Tom Tikela-Yearby, an alleged son of Year Bey. On her maternal side, Salina Farve, the principal applicant, claims descent through Celestine Farve, her mother, a full-blood Choctaw Indian, daughter of Charles Farve.

Applicants do not know whether the ancestors named complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or were beneficiaries thereunder. Applicants have the appearance of being full-blood Choctaw Indians, and understand and speak the Choctaw language.

The records show that one Year Bey, who lived at the date of the treaty of Dancing Rabbit Creek, on Yazoo or Tokah Creek, in Lauderdale County, Mississippi, early in the summer next after the treaty was made, in company with Multiah and another neighbor, started to the agency of Colonel Ward, then on Noxubbee to signify their intention to remain and take the five years' stay, but meeting en-route other Choctaw Indians returning, who told them it was of no use, that Colonel Ward was drunk and refused to enroll any more Choctaw Indians, Year Bey and his company returned.

Soon after the third emigration of the Choctaw Indians west, Yearby went down to Hancock County, Mississippi, on a hunt, and there joined the Bay St. Louis, Indians, and later

returned with one Hacubbee to his old settlement on Yazoo Creek, where he found his improvements in possession of white men. Year Bey claimed a section of land for himself and children, of whom one was named Tikalee, or Tikaler, or Tick-coller, a child under ten years of age at the date of said treaty, but the claim of said Year Bey appears to have been rejected.

The ancestor of applicants named, Tom Tikela Yearbey, is believed to be identical with Tikalee, or Tikaler, or Tick-coller, the son of Year Bey. See Choctaw Nation vs. the United States, Court of Claims, No. 12742, volume 1, pages 614, 694, 766, 794, and 808. The ancestor on maternal side, Charles Farve, is believed to be identical with Charles Farve, a Bay St. Louis Indian, of record as a Choctaw claimant under article 14 of the treaty of 1830. See American State papers, volume 34, public lands, volume 7, page, 173.

As ancestors of applicants in these cases appear to be identical with the ancestors of Nancy Agloff et al., and Emma Taylor et al., subjects of departmental letter of January 4, 1906 (I. T. D. 4764-1904), and Jim Farve et al., subject of departmental letter of January 18, 1906 (I. T. D. 4712-1904), the records of which were on said dates remanded to you for a more complete investigation, the record herein is remanded to be consolidated with said above named cases for a full investigation as indicated in departmental letter of January 4, 1906, as to Nancy Agloff.

-4-

Copy of Indian Office letter of January 30, 1906,
favoring such investigation, together with a copy of the Indian
Office letter of February 24, 1854, relative to Bay State
Indians, are inclosed for your information.

Respectfully,

(Signed) Thos. Ryan

2 inclosures.

First Assistant Secretary.

Refer in reply
to the follow-
ing: Land
59931-1904

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, January 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes relating to the applications of Salina Farve for herself, her husband, Charlie Farve, her minor child, Turner Farve, and her four minor brothers and sisters, Thomas, Joseph, Christie and Mary Yearby; and by Charley S. Farve, for himself, his wife Amelia Farve, and his three minor children, Forest, Albina and Andrew Farve, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on August 12, 1904.

The Commission determined from the records that Salina Farve, Thomas Yearby, Joseph Yearby, Christie Yearby and Mary Yearby are full blood Mississippi Choctaw Indians, and were accordingly, on March 12, 1904, duly identified.

The evidence shows that all the other applicants are mixed blood Choctaws. Charlie Farve claims rights in the Choctaw lands by reason of being a descendant of Jack Farve who is alleged to have been a one-half blood Choctaw Indian, Edward,

who is alleged to have been a one-fourth blood Choctaw Indian, and Tobie, who is alleged to have been a full blood Choctaw Indian. Turner Farve, a minor applicant, claims rights by reason of being a descendant of the above named ancestors and Tom Tikela (or Tikeli) Yearby, Sallie Yearby, Charles Farve and Leesa Farve (nee Stout) all of whom are alleged to have been full blood Choctaw Indians. The principal applicant, Salina Farve, claims rights by reason of being a descendant of Nancy Yearby and Celeste Thomas, both of whom are alleged to have been full blood Choctaw Indians, and Charlie, who is alleged to have been a one-half blood Choctaw Indian. The minor applicants, Forest, Albina and Andrew Farve, claim rights by reason of being descendants of the last above named ancestors and Tom Tikela (or Tikeli) Yearby and Sallie Yearby.

The Commission found from the evidence in support of the applications and from its records, that none of the 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.

The Commission reports that from an examination of its records, it has been found that the name of Tik-a-lee appears on page 808, and the name Tikaler (or Tick-coller) on page 614 of volume 1 of the printed record in the case of the Choctaw Nation v. United States before the Court of Claims, wherein it appears, among other things, that Tik-a-lee (or Tikaler or Tick-

coller) was a child under ten years of age, a son of Year-by (alias Ye-ah-bee) whose claim was rejected by the Secretary of the Interior on September 30, 1854; but it does not find that any of the ancestors through whom they claim are identical with the person whose name appears in the record above cited.

The Commission further found that it does not appear from the evidence offered in support of the applications, or from the records in its possession relating to persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and to persons who were claimants thereunder, that Tom Tikela (or Tikeli) Yearby, through whom these applicants claim, or Sallie Yearby or Charles Farve or Leesa Farve (nee Stout) or Jack Farve or Edward or Tobie or Nancy Yearby or Charlie or Celeste Thomas, signified to the Indian Agent at Choctaw Agency an intention to comply with the provisions of article 14, 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). Predicated on the findings above given the Commission declared that the evidence submitted was insufficient to determine the identity of Charlie Farve, Turner Farve, Charley S. Farve, Forest, Albina and Andrew Farve, as Choctaw Indians, entitled to rights in the Choctaw lands as descendants from beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants are now, or were until recently, residents of Hancock County, Mississippi, on or near Bay St. Louis.

They have as surnames and have given as the surnames of their ancestors names which are shown by the records of this office to be those of families who were recognized members of the Choctaw Tribe in 1830, and who sought to secure the benefits of the Choctaw treaty of September 27 of that year, and made attempts to register with the Indian Agent for the Choctaws their intention to remain the five years and take the benefits of the 14th article. They were ~~frightened off by agents of the Government who were seeking~~ to remove them to the west, deserted the lands they were holding, with the intention of taking them under the provisions of the 14th article and fled to the southern part of Mississippi on Bay St. Louis. From this circumstance, they became known as the "Bay Indians."

The claims and interests of these Indians resulted in a great deal of correspondence with the War Department during upwards of 20 years after the negotiations of the treaty. In the Indian Appropriation Act, approved August 30, 1852 (10 Stats., 42), the following appears:

That the Secretary of the Interior be and he is hereby authorized to examine the reservation claims of the Choctaws known as Bay Indians and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of twenty-third August, eighteen hundred and forty-two, and of third March, eighteen hundred and forty-five.

There was incorporated in the Indian Appropriation Act, approved March 3, 1853, the following provision:

That the authority of the Secretary of the Interior to examine claims of Choctaws to reservations of land under the treaty of 1830 is extended to all cases recommended by either of the boards of commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as their warrants in payment for any public lands subject to sale at private entry.

On February 24, 1854, the Office reported to the Secretary of the Interior at length relative to the claims of the Bay Indians, a copy of which communication is enclosed. The claims of all the Bay Indians were finally rejected by the Secretary of the Interior under the legislation above mentioned.

The ancestors of 1830, on their descent from whom these applicants rely, are Tom Tikela Yearby, Sallie his wife, Charles Farve and Leesa Stout. The other ancestors mentioned are either living or are descendants of the ancestors just mentioned.

The name given in the record in this case as Farve was variously spelled by the representatives of the Government who investigated the claims of the Choctaw Indians, as Farve, Farver, Farvour and Favre. Batteas Farver was the head of a Choctaw family in 1830. In fact he had two wives, but the family with whom he lived and the head of which he was accounted was that of his wife To-sho-ah-hoka. There were children still living at home named Shoemaker (over ten years of age) and Catherine (under ten years of age). His residence was on the northwest quarter of section 22, township 7 north, range 17 east, Lauderdale County, Mississippi. His second wife, Hi-e-an-to-nah,

resided on section 2, township 2 north, range 10 east, Jasper County, Mississippi. Her children were John, Clarissa, Mary (who died leaving a son, Ellis), and Ellen, these being over ten years of age in 1830, and Louisa and Finn, under ten years of age. The records relating to these persons will be found in the volumes of printed evidence in the case of the Choctaw Nation, v. the United States, in volume 1, pages 626, 756 and 764.

There was another member of the same family known as Lixey Favre or Alexes Farvour, who was a resident of the southwest quarter of section 31, township 9 north, range 15 east, in Kemper County, Mississippi. His children were Isabella, over ten years of age, and Mary Ann, under ten years of age. The record relating to these people will be found in the volume above mentioned at pages 614, 694 and 764. Lixey Favre's grandmother, in behalf of whom he made a claim for land, was Channey, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. The record relating to her will be found in the volume above mentioned at pages 614 and 692. The mother of Lixey Favre was Pis-ti-ck-o-na, who resided on the southeast quarter of section 9, township 9 north, range 15 east, Kemper County, Mississippi. Her children were Louis, who died subsequent to the treaty, leaving children as follows: Mary, Louis, Edward, and Sillea (female); Katharine, who died without issue, and Charles, the three mentioned having been above ten years of age in 1830; and Batteese, under ten years of age. Record relating to her claim will be

found in the same volume as above, at pages 625, 746, 747 and 748.

Yearby (or Yeah-bee), was a resident of the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. His children were Tik-a-ler, or Tick-coller, over ten years of age, Ona-nah-he-mah (female), Hi-a-lah (female), Way-tubbee and Nan-che-mah (female) who died without issue, these latter being under ten years of age in 1830. His case will be found mentioned in the printed record referred to, at pages 614 and 808. His mother was Ho-to-ney or Ho-tun-nee, who resided on the southwest quarter of section 4, township 9 north, range 15 east, Kemper County, Mississippi. Mention of her case will be found in volume 1 of the printed record referred to, at pages 613 and 808.

The name of Tikela Yearby and the surnames of Yearby and Farve are the only names under which the applicants claim which appear on the records of this office, except that the records show there was a John Farve, who might be the Jack Farve under whom they claim.

In view of the similarity of the names and the history of the Bay Indians, it is deemed important that this case should be more thoroughly investigated, and I therefore recommend that it be remanded to the Commissioner to the Five Civilized Tribes for a rehearing under the instructions under which the cases of Nancy Agloff and Emma Taylor were remanded by the Department, these parties being members of the same family.

Very respectfully,

RBH-Y

O. F. Larrabee, Acting Commissioner.

(Copy)

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 24, 1854.

Sir:

I have attentively perused the joint letter addressed to you on the 5th instant by the Honbles. W. P. Harris of Miss. and W. M. Churchwell, of Tenn., and that from the Hon. A. G. Brown of Miss., dated the 13th inst. in reference to certain Choctaw reservations claims under the Treaty of Dancing Rabbit Creek and beg leave to submit the following report.

By the act of 30th of August 1852 (acts of 32nd Congress 1st sess. ch. 103, p 42) the Secretary of the Interior was "authorized to examine the reservation claims of the Choctaws, "known as the Bay Indians, and of those Choctaws in whose "cases the scrip awarded by the late Board of Commissioners "has not been issued, and when he shall find that such Indians "are clearly entitled to land under the fourteenth article of "the treaty of Eighteen hundred and thirty, and under the sev- "eral acts heretofore passed in relation to such claims x x "to extend to such claimants the provisions applicable to "such claims in the acts of twenty third August, eighteen hundred "and forty two, and of third March eighteen hundred and forty "five" And by the act of 3rd of March 1853 (acts of 32nd Con- gress, 2nd session, ch. 104, p 227, it is further provided

"that the authority of the Secretary of the Interior to examine the claims of Choctaws to reservations of lands under the treaty of eighteen hundred and thirty, shall extend to all cases recommended by either of the Boards of Commissioners appointed to examine said claims, and his awards of scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as other warrants in payment for any public lands subject to sale at private entry."

The 14th Article of the treaty of 27th of September 1830, to which these facts refer, is in these words, and will be found at p.335, vol. 7 Stats at Large: "Each Choctaw head of a family, being desirous to remain and become a 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."

The subject of these claims was brought to my notice by letter from Henry L. Martin, Esq., representing himself as the attorney for the claimants, dated the 15th of June last, accompanied by a lengthy argument, and a copy of a communication which he had addressed to the Commissioner of Indian Affairs, on the 28th of April last.

The matter was referred to the Commissioner of Indian Affairs, with directions to make the necessary examinations, to report the result for the action of the Secretary of the Interior required by law.

On the 15th of August 1853 the Commissioner submitted his report accompanied by an argument addressed by Mr. Martin on the 11 of August 1845, to the Secretary of War (Gov. Marcy) before whom the case was then pending, and certain other papers showing the previous action had by Mr. Secretary Wilkins and President Tyler's decision of the 3rd of March 1845, and the action taken by Mr. Secretary Marcy under the authority conferred upon him

by the joint resolution of 3rd August 1846.

The acts of 31 August 1852 and 3rd of March 1853, required that the Secretary of the Interior should be satisfied that the Indian claimants were "clearly entitled." I duly examined the subject, and attentively considered the several arguments, filed at various times, by the attorney of the claimants, and came to the conclusion that I could not, under the enactments before mentioned, change the rule prescribed by Attorney General Mason, and adopted by Mr. Secretary Marcy, and on the 26th of August last directed the Commissioner of Indian Affairs, to report to me, the several cases, which came within it, with the accompanying papers, and a brief of the evidence for my final adjudication: As yet, this has not been done.

Subsequent to my decision of the 26th of August last (a copy of which is herewith submitted) I reviewed my action in the matter, at the instance of the Hon. W. M. Churchwell, (in whose behalf, the Hon. A. O. P. Nicholson filed the written agreement, which will be found among the papers), but without being able to arrive at a different conclusion.

The letters of Messrs. Brown, Harris and Churchwell, request that you will "as the best means of operating persuasively, if not otherwise upon the mind of the Secretary of the Interior cause the subject to be investigated by the Attorney General, and that his opinion x x x shall be the rule of adoption in the ultimate adjudication of the claims" and they state the particular

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question, on which, they desire the opinion of the Attorney General.

I respectfully submit all the papers in the case, to the end that you may, if in view of the language of the Acts of 1852 and 1853, before referred to, and the action had by the Department, pursuant thereto, you should consider the case, as one calling for the interposition of the Executive, give such directions in the premises, as to you may seem proper and necessary.

I have the honor to be

With much respect

Your obedient servant,

(signed) R. McClelland,

Secretary.

To the President.

ENDORSEMENTS.

First report to Sec'y Spencer, approved by him and by Pres't Tyler, 1842.

Second report made to Sec'y Wilkins, disapproved by him, and his opinion concurred in by Pres't Tyler, March 3, 1845.

Third report made by Sec'y Marcy, and approved by him, 1846.

Fourth report made to Pres't and by him referred to Atty Gen'l Mason, whose opinion was adverse to claimants, and affirmed by Pres't Polk and Gov. Marcy.

Fifth report made to Sec'y Int. & approved by him 1853.

All the Comrs. Ind. Affairs, Crawford, Medill & Manypenny report adversely.

SECRETARY OF THE INTERIOR.

24. Feb. 1854.

To the President.

In reference to the letters of Hon. A. G. Brown, W. P. Morris & W. H. Churchwell respecting the reservation claims under the 14th Article of the Treaty of Dancing Rabbit Creek, of 27 September, 1830.

Endorsements (2)

See Atty Gen'l's opinion (Mason) part 2d Atty Genl
Opinions page 1769, Nov. 18, 1845, page 1809, for opinion of
July 23rd, 1846.

Act of 1842, 5 U. S. L. by L. & B., page 514, sec. 3,
Secs. 4 and 6.

File

See letter to Com. Ind. Affs., 2nd March/54.

The reports of the Commissioners of Indian Affairs
upon this subject, made in 1842, 1846 and 1853. The opinions of
Atty Gen'l Mason. The decisions of J. C. Spencer & W. L. Marcy,
Sec'y of War, and that of President Polk of Feby 28, 1846,
after a careful examination leaves upon my mind no doubt of their
soundness, even upon the provisions of the law of 1842.

But under the provisions of the law of 1852, the
question raised in this case is addressed solely to the con-
science and judgment of the Sec'y of the Interior, and I
decline to refer the papers to the Atty General.

Feby 27, 1854.

(signed) Franklin Pierce.

COPY

Muskogee, Indian Territory.

DEC 31 1908

The Honorable,

The Secretary of the Interior.

Sir:

The Department on January 4, 1908 (I. T. D. 4764, 5432-1904), remanded the records in the Mississippi Choctaw cases of Nancy Agleff, nee McArthur, et al., (M. C. R. 2370), and Emma Taylor, et al., (M. C. R. 1130), for rehearing and readjudication in conformity with the views expressed by the Department in its letter of that date.

The Department states that the principal applicants in these cases and their children are residents of Hancock County, Mississippi, and that they are nearly full-blood Choctaws who understand and use the Choctaw language, descent being claimed from certain ancestors by the name of Yarby or Yearby, one of whom was also known as Tikeli Yearby, and that their ancestor Yearby attempted to comply with article 14 of the treaty of September 27, 1830.

Attention was invited to the fact that the records of the Indian Office show that there was a full blood Choctaw named Yearby, or Yearbey, or Yeakbee, who resided in the old Choctaw Nation, Mississippi, in 1830, as the head of an Indian family; that

one of his children was named Tikalee, alias Tikaler or Tick Col- lar, and that an attempt was made by the head of this family on behalf of himself and children to comply with the 14th article of the treaty of 1830, and that after living for some time upon the land claimed by him, this Yearby removed with his family to Hancock County, Mississippi.

The Department also refers to the fact that the testimony taken in these two cases in 1900 and 1901, is much less complete than that taken subsequent to the Department's instructions to the Commission to the Five Civilized Tribes relative to the cases of Lissie Woodard and Harriet Adkins.

Attention was also invited to the fact that the record in the Emma Taylor case failed to show that any testimony was taken relative to the parents of her mother, Sallie Yearby, nor does it appear that any effort was made to secure the testimony of her father, Tikeli Yearby, who was then living, but that notwithstanding the fact that the testimony was taken early in the work of identifying Mississippi Choctaws, considerable evidence was obtained tending to show that the ancestors from whom the applicants claim descent were the identical persons of the same name referred to in the records of the Indian Office who attempted to comply with article 14 of the treaty of 1830.

The Department desired in the investigation to be made that the same be not confined to a hearing and adjudication of the

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testimony to be presented by the applicants, but that such an investigation be instituted as might be necessary to bring out all the facts concerning the ancestors of the applicants, and that such examination be made as complete as was indicated by the Department in its letter of April 2, 1903, concerning the Harriet Adkins case.

This office was further instructed to make the investigation, and in so doing to arrange an appointment for the taking of testimony at some place mutually convenient to all parties in interest, resorting to field investigation if necessary, and was authorized to prepare interrogatories covering the pertinent points in issue, to be propounded with cross-interrogatories to the applicants and their witnesses, to the end that their family history might become a matter of record.

The Department on January 18, 1906 (I T D 4712, 4770, 5186, 2238-1904), remanded to the Commissioner to the Five Civilized Tribes the record in the consolidated Mississippi Choctaw case of Jim Farve, et al., (M. C. R. 2415), consolidating the applications of -

Jim Farve, et al.,
Frisen Farve,
Millie Farve, et al.,
Adolphe Peyerd;

the record in the Mississippi Choctaw case of Louisa Farve; the record in the Mississippi Choctaw case of Seynour Farve, et al.; and the record in the consolidated Mississippi Choctaw case of

Clemogene Farve, et al., consolidating the applications of Clemogene Farve and Elizabeth Farve.

The Department invited attention to the fact that the principal applicants in the case of Jim Farve, et al., are the children of Jules Farve and Isabelle Farve, nee Yearby, the former of whom is possessed of Choctaw and French blood in equal amounts, and is the son of Charles Farve and Celeste Farve, and that his wife, the said Isabelle Yearby, is a full blood Choctaw and the daughter of a Choctaw Indian named Tikeli or Tom Tikeli Yearby.

In the Seymour Farve case the Department states that the principal applicant is a son of Charley Farve, whose blood is one-half French, and of Celestine Farve, nee Ma-ka-hi-yah, the latter of whom was a full blood Choctaw. The Department expresses the opinion that it is highly probable that the ancestors of the applicants in the case of Seymour Farve, et al., are identical with Charles and Celeste Farve, the parents of Jules Farve, the father of Jim Farve.

The Department also states it appears that the applicant Louisa Farve was the daughter of a three-fourths blood Choctaw named Albert (or "Herbert") Farve or Favre and Idell Westbrook, who is nearly, if not quite, a half-blood Choctaw; that Albert Farve was the son of a full blood Choctaw named Charley Farve, who may have been identical with the Charley Farve the ancestor in the cases of Jim Farve, et al. and Seymour Farve, et al.

In the Clemegens Farve case the opinion is expressed that the applicants are relatives of those named in the Jim Farve, Seymour Farve and Louisa Farve cases and it is noted that the two applicants, Clemegens and Elisabeth Farve, both claim to be full blood Choctaws and that their parents, Pierre and Catherine Farve, were full blood Choctaws.

Attention is invited to the fact that contrary to their allegations that they are full blood Choctaws, one of the witnesses in the case testified that their father, Pierre Farve, was a three-fourths blood Choctaw; the record thus being doubtful as to the quantum of Choctaw blood of said applicants, but as at present made up the witnesses are two to one in favor of the allegation that they are full-bloods.

The Department desires that the case be investigated to determine whether or not the applicants are full blood Choctaws, for the purpose of determining what rights, if any, they may have as such full bloods under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The Department also refers to the fact that the records of the Indian Office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it

not been for the forcible dispossession of the members of said company by the whites; they being driven from their lands, removed to Hancock County, Mississippi, in the extreme southern part of the State where they were subsequently known as the Bay St. Louis Indians. The Department also states that the records of the Indian Office show that the Farve, Yearby, and allied families were members of this company.

A thorough investigation of these cases was desired, particularly in view of the fact that the original hearings were much less complete than those made by the Commission to the Five Civilized Tribes under instructions given in the Lizzie Woodard and Harriet Adkins cases.

The Department also makes reference to the Mississippi Choctaw cases of Nancy Agleff and Emma Taylor and the descent of the applicants in said cases from a person named Yearby through his son Tikeli Yearby.

In investigating the cases referred to in Departmental letter of January 18, 1906, the Commissioner was directed to make such investigation as full and complete as was directed in Departmental letter relative to the Nancy Agleff and Emma Taylor cases.

The Department also on February 6, 1906 (I. F. D. 1806-1806), remanded to the Commissioner the record in the Mississippi Choctaw case of Salina Farve, et al., consolidating the applications of Salina Farve, et al., N. O. R. 7286, and Charley S. Farve,

et al., W. C. R. 7289. In this case the Commission to the Five Civilized Tribes on August 12, 1904, refused to identify as Mississippi Choctaws all of the applicants named therein of mixed Choctaw blood, for the reason that they "do not come within the purview of said section" 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The Department states it appears that the principal applicant, Salina Farve, and her minor brothers and sisters, Thomas Yearby, Joseph Yearby, Christie Yearby, and Mary Yearby, were on March 12, 1904, duly identified by the Commission as full blood Mississippi Choctaws; that the other applicants who were formerly residents of Bay St. Louis, Hancock County, Mississippi, prior to their emigration to Ardmore, Indian Territory, applied to the Commission at Muskogee, Indian Territory, on March 23, 1903, to be identified as Mississippi Choctaws, claiming descent through Salina Farve, the principal applicant, who is the daughter of Simon Yearby, son of Tom Fikela-Yearby, an alleged son of Year Boy; that on her maternal side Salina Farve claims descent through Celestine Farve, her mother, a full blood Choctaw Indian and the daughter of Charles Farve.

The Department states that the records show that one Year Boy, who lived at the date of the treaty of Dancing Rabbit Creek, on Yancee or Tokah Creek, in Lauderdale County, Mississippi, early in the summer next after the treaty was made, in company with

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Multiah and another neighbor, started to the agency of Colonel Ward, then on Hexabee, to signify their intention to remain and take the five years' stay, but meeting en route other Choctaw Indians returning, who told them it was of no use, that Colonel Ward was drunk and refused to enroll any more Choctaw Indians, Year Boy and his company returned; that soon after the third emigration of the Choctaw Indians west, Yearby went to Hancock County, Mississippi, on a hunt, and there joined the Bay St. Louis Indians, and later returned with one Hasubbee to his old settlement on Yawee Creek, where he found his improvements in possession of white men.

It is further stated that Year Boy claimed a section of land for himself and children of whom one was named Tikalee, or Tikaler, or Tick-celler, a child under ten years of age at the date of said treaty, but the claim of said Year Boy appears to have been rejected.

The Department expresses the opinion that the ancestor of the applicants named Tom Tikala Yearby is believed to be identical with Tikalee, or Tikaler, or Tick-celler, the son of Year Boy, and that the ancestor on the maternal side, Charles Farve, is identical with Charles Farve, a Bay St. Louis Indian, who was a Choctaw claimant under article 14 of the treaty of 1830.

As the ancestors of the applicants in the cases under discussion appear to be identical with the ancestors of Nancy Agleff

and Emma Taylor, et al., the subject of Departmental letter of January 4, 1906 (I. T. D. 4764-1904), and Jim Farve, the subject of Departmental letter of January 18, 1906 (I. T. D. 4712-1904), the record in the Salina Farve case was remanded to be consolidated with said cases for as full investigation as was indicated in Departmental letter of January 4, 1906, in the Nancy Agloff case.

The Department, on February 10, 1906 (I. T. D. 1808-1906), remanded to the Commissioner the record in the consolidated Mississippi Choctaw case of Usam Stout, et al., consolidating the applications of -

Usam Stout, et al.,	{Y. C. R. 2801}
Joseph Stout, et al.,	{M. C. R. 2197}
Henry Taylor, et al.,	{M. C. R. 2198}
William Riley Windom, et al.,	{M. C. R. 2800}

In these cases certain of the applicants were identified by the Commission to the Five Civilized Tribes as full blood Mississippi Choctaws, while others of mixed blood, the descendants of said full bloods so identified, were denied identification, not coming within the purview of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The Department states it appears that in these cases the principal applicant, Usam Stout, from whom most of the mixed blood applicants are descended, or related by intermarriage, is a resident of Billville, Hancock County, Mississippi, where he was born and reared, and presumably belongs to the band of Bay St. Louis Indians in that county.

Usan Stout, a full blood Choctaw, appears from the record to have been married to Sis Stout, another full blood Choctaw, according to the Choctaw custom; that Sis Stout was the daughter of one Tekala Yaba, whom it is alleged in the application for the enrollment of William Riley Windom and Aslene Windom, was the great grandfather of said applicants and a resident of Mississippi at the time of the treaty of Dancing Rabbit Creek, and that he once went to the Indian Territory and returned to Mississippi.

The Department expresses the view that the evidence submitted as to the identity of the said Tekala Yaba is insufficient to warrant final action in the case.

The Indian Office is of the opinion that the name of Tekala Yaba may be identical with Tik-a-lee, or Tikaler, or Tick-coller, a child under ten years of age in 1830, a son of Yearby (alias Ye-ah-bee), who was a claimant under article 14 of the treaty of 1830, but whose claim was rejected by the Secretary of War on September 30, 1854, and that the persons involved in the Usan Stout case are of the same family as the applicants in the case of Salina Farve, et al., the subject of Departmental letter of February 8, 1906 (I. T. D. 1806-1906), and recommended that the case be reopened for investigation in the same manner as the Salina Farve case. In this recommendation the Department concurred and instructed the reopening of the case for additional evidence to determine whether or not the applicants of mixed blood, named

therein, are the descendants of a beneficiary under article 14 of the treaty of 1830.

The cases hereinbefore referred to and remanded by Departmental letters of January 4, 1906 (I. T. D. 4764, 5432-1904), January 16, 1906 (I. T. D. 4712, 4770, 5186, 5238-1904), February 5, 1906 (I. T. D. 1806-1906), and February 10, 1906 (I. T. D. 1806-1906), were consolidated by the Commissioner, as the evidence in said cases, as set forth by the Department, tended to show that all of the applicants were the descendants of the same family of Indians by the name of Yearby, or Year Boy, or Yarby.

The Commissioner on February 10, 1906, advised Emma Taylor, at Gainesville, Hancock County, Mississippi; Nancy Agleff, nee McArthur, at Waveland, Hancock County, Mississippi; John S. Hagler, the attorney for the applicants in the Nancy Agleff case, Bowie, Texas; and the attorneys for the Choctaw and Chickasaw Nations, that a hearing in said case would be had before the Commissioner to the Five Civilized Tribes at the court house at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20, 1906, at one o'clock P. M.

February 10, 1906, the Commissioner advised Jim Farve, Fritzen Farve and Billie Farve, at Ardmore, Indian Territory, the applicants in the Jim Farve case; John S. Hagler, Bowie, Texas; and J. G. Ralls, Atoka, Indian Territory, the attorneys for the applicants; and the attorneys for the Choctaw and Chickasaw Na-

tions, that a hearing in said case would be had before the Commissioner to the Five Civilized Tribes at the Chickasaw land office at Ardmore, Indian Territory, on Friday, March 16, 1906, at four o'clock P. M.

Louisa, Seymour, Clemogene and Elizabeth Farve were also on February 10, 1906, notified of the hearing at the Chickasaw land office at Ardmore, Indian Territory, on Friday, March 16, 1906, at four o'clock P. M.

The Commissioner on February 10, 1906, also notified Charlie Farve and Charley S. Farve at Ardmore, Indian Territory, of the hearing at that place on March 16, 1906.

On February 20, 1906, Sia Stout, Ardmore, Indian Territory; Gasperine Stout, Ardmore, Indian Territory; Nellie Taylor, Durwood, Indian Territory; and G. W. Window, father of William Riley and Aslene Window, Ardmore, Indian Territory, the applicants in the Usan Stout case; J. G. Kalls, their attorney of record, Atoka, Indian Territory; and the attorneys for the Chectaw and Chickasaw Nations, were advised that a hearing would be had in said case at the Chickasaw land office at Ardmore, Indian Territory, on Friday-March 16, 1906, at four o'clock P. M.

In conformity with these notices hearings were had before the Commissioner to the Five Civilized Tribes at Ardmore, Indian Territory, on March 16, 1906, and March 17, 1906, and at Bay St. Louis, Hancock County, Mississippi, on March 20 and 21, 1906.

At the hearing at the Chickasaw land office at Ardmore, Indian Territory, on March 16, 1906, in the Usan Stout case, the applicants were represented by Rebt. E. Lee, attorney at law of that place, but no appearance was entered on behalf of the Choctaw and Chickasaw Nations. The witnesses introduced at the hearing in this case by the applicants were Sis Stout, Isaac Johnson, Yellie Taylor and John McCarty.

At the hearing at Bay St. Louis, Mississippi, on March 20, 1906, in the Nancy Agloff and Emma Taylor cases, the applicants were represented by Albert J. Lee, attorney at law, Ardmore, Indian Territory; G. Rosenwinkel of Mansfield, McMurray & Cornish appearing on behalf of the Choctaw and Chickasaw Nations. At the hearing in these cases the witnesses presented were Nancy Farve (or Agloff, nee McArthur), Joseph J. Farve, Mary Faro, and Louisa Thomas.

At the hearing at Bay St. Louis, Mississippi, on March 20, 1906, in the Jim Farve case the applicants were represented by Albert J. Lee, attorney at law, Ardmore, Indian Territory. The Choctaw and Chickasaw Nations were represented by G. Rosenwinkel of Mansfield, McMurray & Cornish. The witnesses presented at the hearing were Joel Joseph Farve, Amelia Farve, Pierre Peyard and Leonard Farve.

With the return of the records remanded with Departmental letters of January 4, 1906, January 18, 1906, February 5, 1906, and February 10, 1906, I have the honor to transmit herewith for

the consideration of the Department a copy of the proceedings had at the Chickasaw land office at Ardmore, Indian Territory, on March 16 and 17, 1906, and at Bay St. Louis, Mississippi, on March 20 and 21, 1906.

These cases were also the subject of Departmental letter of April 24, 1906 (I. T. D. 6526-1906), in reference to a motion submitted by Albert J. Lee for a continuance in the matter of the rehearing of said cases announced by the Commissioner, for Bay St. Louis, Mississippi, March 20 and 21, 1906.

The Department, on April 25, 1906 (I. T. D. 8626-1906), also made reference to Mr. Lee's motion and stated that from the papers submitted it seemed that arrangements were made in the first instance for a hearing in the case at Ardmore, Indian Territory, March 16, 1906; that the notices of the hearing were dated February 10, 1906, and were delayed in mailing until February 21, 1906; and that the notice to applicants' attorney was not received at his post office until February 24, 1906.

The Department invites attention to a decision rendered by the Commissioner March 10, 1906, denying Mr. Lee's motion for a continuance, instead of granting the ninety days which the attorneys claimed to be necessary for them to have in order to properly prepare the case, and that the matter was brought to the attention of the Department by Mr. Lee in a telegram of March 16, 1906.

The Department in concluding its letter of April 25, 1906, states as follows:

"In order for the applicants to make a proper presentation of their cases, it was necessary for them to prepare testimony of the character contained in the Adkins letter of April 2, 1903, it being contemplated by the Department in its instructions in this matter that they be fully advised of the character of the testimony suggested in said letter. As the case is one which would require considerable effort to prepare properly, it would be necessary for them to have time to consult with each other and with their attorneys, and, as the home of their alleged ancestor, Yarbey, was in Kemper County, Mississippi, approximately 175 miles north of their present residence, it is not improbable that a trip to said county would be absolutely necessary for the purpose of collecting evidence.

This review of the work contemplated by the Department in its instructions in this case, shows that the time allowed by you was wholly inadequate, and far from reasonable. It is impossible to fix the exact time which will be required to accomplish the work intended, but a careful adherence to the spirit of the Department's instructions and wishes in the matter will require that the investigation continue until you have made an earnest effort to obtain the testimony of each party in interest, in person if possible, and if not, by depositions prepared under your supervision."

July 13, 1906, the attention of the Department was again invited to this case and special reference was made to Departmental letter of April 25, 1906 (I. T. D. 6528-1906), and I stated in reference to the case as follows:

"The testimony adduced at the hearings at Ardmore, Indian Territory, March 16, 1905, and at Bay St. Louis, Mississippi, March 20, 1906, was sufficiently exhaustive, in my opinion, to warrant this office and the Department in now passing upon these cases.

No further action has been taken by the applicants or their attorneys in reference to the submission of further testimony or the introduction of other evidence since these hearings, and I can not see anything that could possibly be gained by a further postponement of the disposition of these cases.

I believe that the record as now made will show that the parties in interest had ample notice of the appointments both at Ardmore, Indian Territory and Bay St. Louis, Mississippi, and that at said hearings they presented all the testimony relative to their alleged right to identification as Mississippi Choctaws that they could possibly secure.

Diligent effort was made during the appointments of the field party in the State of Mississippi, in March, 1906, to secure reliable information relative to these applicants, and I respectfully suggest that disposition be made of said cases without further delay."

The Department, on October 21, 1906 (I. T. D. 20636-1906), stated that it knew of no reason why the cases should not be disposed of. With this latter letter there was transmitted a copy of the report of the Acting Commissioner of Indian Affairs of October 12, 1906 (Land 60797-1906).

These cases present a record somewhat difficult to digest, and a most careful consideration thereof leads me to believe that the original decisions rendered by the Commission to the Five Civilized Tribes March 30, 1904, denying the applications of Nancy Agleff, nee McArthur, and Arthur Agleff; of May 12, 1904, denying the applications of Emma Taylor and Wilson Taylor; of May 30, 1904, denying the applications of Jim Farve, Earnest Feyerd, Frizen Farve, Billie Farve, Dan Farve and Adelphe Feyerd; of March 30, 1904, denying the applications of Lou'sa Farve; of March 30, 1904, denying the applications of Seymour Farve, Celestine Farve, Alba Farve, Paul Farve, Weston Farve, Benny Farve and Katie Farve; of March 30, 1904, denying the applications of Clemegene Farve and Elizabeth Farve; of August 12, 1904, denying the applications of

Charlie Farve, Turner Farve, Charley S. Farve, Forest Farve, Albina Farve and Andrew Farve; and of September 13, 1904, denying the applications of Sam Yaba, Sylvest Ladner, Katie Carrie Ladner, Gasperine Stout, Johnnie Stout and Josephine Stout, William Riley Windom and Aslene Windom, should be affirmed, as in my opinion the evidence fails to show that these persons are either full blood Choctaw Indians entitled under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641), or the descendants of a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

As to the applicants Mellie Taylor, Emily Frances Taylor and Richard Taylor, in the consolidated Mississippi Choctaw case of Usan Stout, et al., and whose applications were denied by the decision of the Commission to the Five Civilized Tribes of September 13, 1904, I find from a further examination of the record in reference to said applicants, that Mellie Taylor is the daughter of John Jeff and Jennie Thomas, whom the record shows, beyond a reasonable doubt, were both full blood Choctaw Indians, and that the minor applicants Emily Frances Taylor and Richard Taylor, are the children of Henry Taylor who was identified as a full blood Mississippi Choctaw Indian by the Commission to the Five Civilized Tribes February 14, 1903, and of the applicant Mellie Taylor whom the record shows beyond a doubt is a full blood Choctaw Indian.

I have therefore to respectfully recommend that the decision of the Commission to the Five Civilized Tribes of September 13, 1904, insofar as it denied the applications for the identification of Nellie Taylor, Emily Frances Taylor and Richard Taylor, be rescinded, and that I be authorized to identify said applicants as full blood Mississippi Choctaws under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The record as now submitted to the Department in reference to the other applicants who are mixed blood Choctaw Indians is, in my opinion, as full and complete as could be secured under existing conditions.

The conflicting statements made by the applicants and their witnesses tend to cloud any definite conclusions which could be reached in reference to these cases. The testimony is very conflicting, confusing and unsatisfactory, and placing the most favorable construction possible thereon, it is only fair to conclude that the applicants are all the descendants of one common ancestor, referred to in the testimony as Tom Tikela Yearby who was a son of Yearby or Yarby or Yearbee or Year Bey.

The Department in its letter of February 8, 1906 (I. T. D. 1806-1906), makes reference to the brief and evidence in the suit of the Choctaw Nation versus the United States, Court of Claims, No. 12742, volume 1, pages 614, 694, 766, 794, and 808, wherein it appears that one Tikalee, or Tikaler, or Tick-coller, the son of

Year Bey, was a beneficiary under the 14th article of the treaty of 1830.

The Department also in said letter expressed the opinion that the Charles Farve, the ancestor of the applicants is identical with the Charles Farve, a Bay St. Louis Indian and a claimant under article 14 of the Choctaw treaty of 1830, as will appear from American State Papers, volume 34, public lands, volume 7, page 173.

The Department, on November 10, 1906 (I. T. D. 5422-1904), in refusing a motion for rehearing in the Mississippi Choctaw case of John McCarty, et al., who appear to be related to the applicants in the cases above referred to, stated as follows:

"The records show that one Year Bey or Ye-ah Bee or Yearbey was living in September, 1830, on certain described improvements in then Lauderdale County, Mississippi; that he was the Choctaw head of a family consisting among others of his wife, Yee-me, and an unmarried child, Tikalee, then over ten years of age; that in the summer next after the date of said treaty of 1830, 'before roasting ear time,' Yearby, in company with Wullich and others, started to the agency of Colonel Ward, then on Noxubee, to register for the five years' stay under the 14th article of said treaty; that the going party met a return party of their friends, who told them that Ward refused to register any more applicants, and the going party concluding that it would be useless to attempt to register them, turned back and returned home without making further effort.

Yearbey remained on his improvements for about three years and then for fear of being forcibly removed west, he abandoned his improvements and went to Hancock County, Mississippi, 'on a hunt', from which on returning to Lauderdale County, he found a white man in possession of his place and he then returned to Hancock County, Mississippi, where he afterwards resided and where principal applicant (John McCarty) was born.

The records further show that Yearby made claim before the Commission of 1842 for the benefits of article 14 of the treaty of 1830 and was rejected September 30, 1854 (see Choctaw Nation vs. the United States, vol. 1, pp. 785, 808, 807, 779, 898, 896, 613, and 614.)"

This seemingly disposes of the rights of the applicants to identification as Mississippi Choctaws by reason of being the descendants of Tikeli, or Tikela, or Tikaloo, or Tick-soller, the son of Yearby.

Several of the applicants, however, also claim to be the descendants of one Charlie or Charles Farve, who is alleged to have been a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

In the decision of the Commission to the Five Civilized Tribes of March 30, 1904, in the Louisa Farve case it was stated -

"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 Charley Farve, 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)."

A further examination of the records of this office of persons who were beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830 fails to show that any person by the name of Charlie or Charles Farve was a beneficiary thereunder, and apparently the rights of certain of the applicants as the descendants of Charlie or Charles Farve are thus disposed of.

(31)

I do not consider that the evidence submitted by the applicants and their witnesses either at the time of the presentation of the original application or at the rehearing at Ardmore, Indian Territory, and Bay St. Louis, Mississippi, in March, 1906, presents any material facts that would warrant the reversal of the original decisions of the Commission to the Five Civilized Tribes, except as to the applicants Mollie Taylor, Emily Frances Taylor and Richard Taylor, who are undoubtedly full blood Choctaw Indians.

The records in these several cases as now presented are, in my opinion, conclusive to the effect that the applicants are not entitled to identification as Mississippi Choctaws by reason of being the descendants of a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

For the convenience of the Department in the consideration of this case, I transmit herewith a family tree which has been used by this office at the rehearsings and in subsequent consideration of the records.

Respectfully,

SIGNED *Wams Bixby*
Commissioner.

Through the Commissioner
of Indian Affairs.

Enclosures.

MCR-7289

Muskogee, Indian Territory, April 22, 1907.

Charley S. Farve,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 27, 1907, affirmed the decision of the Commission to the Five Civilized Tribes refusing to identify you and your children as Mississippi Choctaws.

However the records of this office show that Forest and Elvener Farve have been enrolled as minor Mississippi Choctaws under the Act of Congress approved April 26, 1906, and that their names appear upon a roll of such Mississippi Choctaws opposite Nos. 177 and 178, respectively.

Respectfully,

Commissioner.

Department of the Interior,

Commissioner to the Five Civilized Tribes.


COPY.

To Charley S. Farve,Ardmore, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Ardmore, Ind. Ter. in the Chickasaw Nation, Indian Territory, on the 16th day of March 1906, to testify before said Commissioner in the matter of the application for your identification as a Mississippi Choctaw.

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

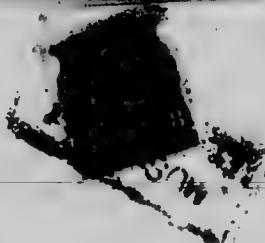
SIGNED


Acting Commissioner.



Department of the Interior.

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



RETURNED TO SENDER
BY REGISTER

1530

Charley S. Farve,

~~Ardmore, Indian Territory.~~

2/21 - 2/21 - 1/10
1/10

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name *Charley S. Farve*Age *36* Blood *~~3/4~~ 7/8*Post Office, *Ardmore D. T.*Father: *Toussan Farve, f.b. -*Mother: *Salina " 3/4 D.*Claims through *both parents*wife: *Amelia Farve, f.b. 35 2*Father: *Tom Tikelt-yearby, f.b. Dead.*Mother: *Sallie " f.b. dead*

Children:

*Forest Farve 10.**Albina " 7.**Andrew " 8.**(Claims for self & wife &
3 children)*Stenographer *R. B. Eisenberg*

Choctaw MCR 7290

Adolphe Feyerd

MCR 7290

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7290

In the matter of the application of Jim Farve for the identification of his minor nephew, Adolphe Feyerd, as a Mississippi Choctaw.

Jim Farve being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jim Farve.
Q What is your post office address? A Ardmore, I.T.
Q How old are you? A Twenty five.
Q How long have you lived there? A About three months.
Q Where did you live before that? A Mississippi.
Q Where were you living when the Commission was in Meridian, in 1901? A Abita Springs, Louisiana.
Q Were you born in Mississippi? A Yes sir.
Q Have you lived in Mississippi and Louisiana all your life till you moved here? A I hve been working in Louisiana two years.
Q You lived in Mississippi all your life except these two years?
A Yes sir.
Q Are you the identical Jim Farve who appeared on January 27, 1901, at Meridian, Mississippi, and made application for the identification of himself and Ernest Feyerd, his nephew? A Yes.
Q What is your object in appearing before the Commission at this time? A To make application for another minor nephew of mine.
Q What is the name of this child? A Adolphe Feyerd.
Q How old is he? A Eight.
Q Is his post office the same as yours? A Yes.
Q Where was he born? A In Mississippi. Q Has he lived there all his life until coming to the Territory? A Yes.
Q What is his father's name? A Emil Feyerd.
Q Is Emil living? A No sir.
Q What is Adolphe's mother's name? A Mary.
Q How much Choctaw blood did Emil have? A Half.
Q How much Choctaw blood did Mary have? A About 3/4.
Q This child claims its Choctaw blood through both parents? A Yes.
Q Is Mary living? A No.
Q Does this child live with you? A Yes.
Q How long has it lived with you? A Going on four years.
Q How is it that you didn't make application for this child when you made application at Meridian for Ernest? A He was visiting my brother Jehn about fifty miles.
Q How much Choctaw blood do you claim for this child? A About 5/8.
Q Have the parents of this child ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A No.

- Q This application is solely for Adolphe Feyerd, is it? A Yes.
- Q What relation is this child to you? A My nephew.
- Q Was any application of any description ever been made to the Choctaw tribal authorities for the enrollment of this child prior to this time? A This is the first application made.
- Q Is his name to be found on any of the tribal rolls of the Choctaw Nation? A No.
- Q This is the first application of any description that has ever been made for him? A Yes.
- Q You appear before the Commission at this time for the purpose of claiming rights for this child under article fourteen of the treaty of 1830? A Yes.
- Q Do you understand that article? A Yes.

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

- Q Do you know whether any of the ancestors of this child ever appeared before the Indian agent in Mississippi and signified their intention to remain in Mississippi, take land there and become citizens of the States? A No sir.
- Q Do you know whether any of the ancestors of this child ever claimed or received any land from the Government under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of the Choctaw ancestors of this child remove from that old Choctaw Nation between 1833 to 1838 with the other Indians? A No sir.
- Q Do you know the name of Emil Feyerd's father? A No.
- Q Or his mother? A No.
- Q What was the name of Mary's father? A Jules Farve.
- Q What was the name of her mother? A Isabella.
- Q How much Choctaw blood did Jules have? A Half.
- Q And was Isabella a full blood? A Yes.
- Q Do you know how old your mother would be if living now? A About 60.
- Q Do you know how old his father would be if living now? A 58.
- Q Do you know what the name of Jules' father was? A Charlie Farve.
- Q Was he a Choctaw Indian or white man? A About 1/2 Choctaw.
- Q What was Jules Farve's mother's name? A Celeste.
- Q How much Choctaw blood did she have? A I don't know.
- Q What is the name of Isabella's father? A Tom Tikeli Yearby.
- Q Do you know the name of Tikeli's father or mother? A No.
- Q Do you know which one of this child's ancestors was living in Mississippi in 1830 when this treaty was made? A No sir.

Q Do you know whether any of the ancestors of this child appeared before the Commission appointed in 1837 or 1842 and attempted to adjudicate the claims of Chectaws who had complied but whose land had been taken by the Government and sold at its Public Land Sales?

A I don't know.

Q Do you know whether the ancestors of this child ever received any scrip from the Government under the act of Congress approved August 23, 1842? A No sir.

Q Have you any further statements you wish to make? A No sir.

Q Do you desire time in which to introduce further evidence? A Yes.

Thirty days will be allowed for this purpose.

The boy, Adolphe, for whom application is made for identification as a Mississippi Chectaw, is before the Commission in person and has the appearance of possessing fully as much Chectaw blood as is claimed for him; in fact, he might easily be mistaken for a full blood Chectaw Indian boy. The witness, Jim Farve, who makes application for him has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Q Does this boy speak or understand the Chectaw language? A Yes.

Reference is made to the case of Jim Farve, M.C.R. 2415.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

July

Subscribed and sworn to before me this 13 day of June, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 2415, 7290.

Muskogee, Indian Territory, April 28, 1904.

Jim Farve,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jim Farve et al., including you, your minor nephew Ernest Feyerd, and Adolphe Feyerd.

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

Respectfully,
(SIGNED)

Jams Bixby.

Chairman.

Registered.

M. C. R.
2415, 2402,
2416, 7290.

(COPY).

Muskogee, Indian Territory, April 28, 1904.

John B. Hagler,
Attorney at Law,
Bowie, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choc-taws of the several persons included in the consolidated case of Jim Farve et al., which embraces the following cases:

Jim Farve et al.,	M.C.R. 2415
Frisen Farve,	M.C.R. 2402
Billie Farve et al.,	M.C.R. 2416
Adolphe Feyerd,	M.C.R. 7290.

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

Respectfully,

(Signed) TAMB BIXBY,

Registered.

Chairman.

D.O. 5142-1906
I.T.D. 4712, 4770,
5186, 5238-1904

(Copy)

J.W.H.
LLB
LRB

DEPARTMENT OF THE INTERIOR.

WASHINGTON, January 18, 1906.

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

Sir:

On May 14, 1904, by separate letters, the Commission to the Five Civilized Tribes transmitted the records in the Mississippi Choctaw cases of Jim Farve et al., Louise Farve or Favre, Seymour Farve et al., and Clemogens Farve et al.

The principal applicants in the case of Jim Farve et al. are the children of Jules Farve and Isabelle Farve, nee Yearby. The former who is possessed of Choctaw and French blood, in equal amounts, is the son of Charles and Celeste Farve. His wife, the said Isabelle Yearby, is a full-blood Choctaw and the daughter of a Choctaw/^{Indian} named Tikeli or Tom Tikeli Yearby.

In the case of Seymour Farve et al., the principal applicant is the son of one Charley Farve, whose blood was one-half Choctaw and one-half French, and of Celestine Farve, nee Ka-ka-hi-yah. The latter was a full-blood Choctaw. From the age, place of residence, and family associations of the applicants in this case it is highly probable that their ancestors,

so far as ascertained, were identical with the Charles and Co-loste Farve referred to in the foregoing paragraph.

In the case of Louisa Farve, the same being an application for herself alone, it appears that the applicant was the daughter of a three-fourths blood Choctaw named Albert (or "Herbert") Farve or Favre and Idell Westbrook, who is nearly, if not quite, a half-blood Choctaw. The said Albert Farve was the son of a full-blood Choctaw named Charley Farve, who may have been identical with the person of the same name who was the ancestor in the two cases referred to above.

In the case of Clemogene Farve, et al., it appears that the applicants are relatives of those named in the foregoing cases. In this case there are two applicants, Clemogene and Elizabeth Farve. Both of them claim to be full-blood Choctaws. Their parents, Pierre and Catherine Farve were full-blood Choctaws. Although one of them stated that she knew her grandmother she was not asked by the examiner to furnish the name of such ancestor. Contrary to their allegations to the effect that they are full-blood Choctaws, one witness in the case, aged 73 at the date of the hearing, testified that their father, Pierre Farve, was a three-fourths blood Choctaw. Thus as the record stands the quantum of blood of said applicants has not been determined, and the witnesses are two to one in favor of the allegation that they are full-bloods. Investigation to determine this point is nec-

essary, the evidence now before the Department having been taken prior to the act of July 1, 1902, by virtue of which full blood Choctaws acquired the right to be identified as Mississippi Choctaws without further evidence.

The records of the Indian office show that a company of Indians residing in Kemper County, Mississippi, in the old Choctaw Nation, in 1830, actually attempted to comply with the provisions of article 14 of the treaty of 1830, and would have perfected title to lands thereunder had it not been for the forcible dispossession of the members of said company by the whites. Being driven from their lands, they moved to Hancock County, in the extreme southern part of Mississippi, where they were subsequently known as the Bay St. Louis Indians. Said records further show that the Farve, Yearby, and allied families were members of this company.

In view of the further fact that the records of the Indian Office show that application was attempted on behalf of persons of the same name as the ancestors named above, additional investigation is necessary, particularly in view of the fact that the original hearings were much less complete than those made by the Commission under instructions given it in the cases of Lissie Woodard and Harriett Adkins.

Reference is here made to the Mississippi Choctaw cases of Nancy Agloff and Emma Taylor, which were recently returned to

you for further consideration because of the descent of the applicants from a person named Yearby through his son Tikeli Yearby, both of whom were, if identical with certain persons of the same name mentioned in letter of the Indian Office, entitled to the benefits of article 14 of the treaty of 1830.

The decisions of the Commission to the Five Civilized Tribes in all of the Farve cases referred to above are hereby set aside, and the records in said cases are returned herewith for further investigation. You are directed to make such investigation as fully and completely as was directed in departmental letter relative to the case of Nancy Agloff and Emma Taylor, referred to above. Care should be taken to ascertain the names, both Choctaw and English, of the applicants' ancestors of Choctaw blood as far back as they can furnish the same, and where a common ancestry is apparent the cases should be consolidated.

There are enclosed herewith copies of Indian Office letters of June 8, 9, 22 and 24, 1904, relating to the records in the Farve cases.

Respectfully,

(signed) THOS. KYAN,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 inclosures.

Refer in reply
to the follow-
ing: Land
33617-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

(Copy)

WASHINGTON, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Jim Farve, for the identification of himself and his minor nephew, Ernest Feyerd; by Frizen Farve for herself; by Billie Farve for himself and his minor brother, Dan Farve; and by Jim Farve for his minor nephew, Adolph Feyerd, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on March 30, 1904.

The record in this case shows that the applicants predicate their claim to the right to identification on their descent from Jules Farve and Isabelle Farve, whose maiden name was Yearby, also from Tekala or Tikeli Farve, Charlie Farve and Celeste Farve. The witnesses are unable to give any definite information as to the status of their ancestors under the Choctaw Treaty of 1830, as to whether they were beneficiaries under the Fourteenth Article thereof or the subsequent legislation relative thereto but assert

that these ancestors did not remove to the Choctaw Nation west.

The Commission in connection with its decision cites the fact that the name of Tikalee appears in volume 1 of the record in the case of the Choctaw Nation against the United States before the Court of Claims, wherein it is shown that he was a son of one Yearby. It is stated by the Commission that an examination of its records fail to show that Jules Farve or Isabelle Farve nee Yearby complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto, and they were therefore rejected.

The records of this office have been examined with reference to the claims of these people, and the facts relative to the Farve or Farver family was fully set out in connection with the case of Clemogene Farve (land 33616) transmitted June 8, 1904.

Year-by or Yeah-bee was a Choctaw Indian, and a resident of the Choctaw Nation east in 1830. He was one of the so called "Bay Indians" and applied for scrip to one of the Commissions while they were sitting in Mississippi investigating that class of claims. His children were Tik-a-ler or Tick-coller, a son over ten years of age in 1830, Ona-nah-he-mah, a female, Hi-a-la-lah, a female, Way-tubbee, a male, and Nan-che-mah, a female, who died

without issue, the latter four being under ten years of age in 1830. He was a son of Ho-to-ney, a Choctaw woman, who was also an applicant for scrip before the Commission in Mississippi. Both Year-by and Ho-to-ney were refused scrip for the reason that they had failed to fully comply with the provisions of the Fourteenth Article.

The records of this office have been investigated with reference to the names of Jules Farve, Isabelle Farve nee Yearby, Tekala or Tikeli Farve, Charlie Farve and Celeste Farve. As was stated in the case of Clemogene Farve, none of the members of this family were successful in their applications for scrip in pursuance of the legislation relative to the Fourteenth Article of the Choctaw Treaty of 1830.

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

Very respectfully,

A. C. Tonner;

Acting Commissioner.

E.B.H.-I.C.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Adolphe Feyerd

Age 8 Blood 5/8.

Post Office, Ardmore I. T.

Father: Emmit Feyerd I. T.

Mother: Mary " I. T.

Claims through both parents

~~Witness~~

Application by Jim
Farwe for his ~~nephew~~
nephew, Adolphe Feyerd.

Stenographer A. B. Eisenberg

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Adolphe Fejerd

DEC 4 1905
WAK 101 1001

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
APPLICANT

COPY OF DECISION FORWARDED
APPLICANT

RECORD FORWARDED TO DEPARTMENT.

DEMANDED BY THE SECRETARY OF THE
INTERIOR FOR A HEARING
JAN 1 1906

NOTICE FORWARDED
FORWARDED

2410

Choctaw MCR 7291

Grace Palmer

MCR 7291

#7291

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 23, 1903.

In the matter of the application of Grace Palmer for the identification of herself and her minor child, Edith Palmer, as Mississippi Choctaws.

Application is made by Granville Jones, a brother of applicant.

Appearance: S. B. Daves, attorney for applicant.

Granville Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Granville Jones.
Q What is your age? A Forty-one.
Q What is your post office address? A Austin, Texas.
Q You have heretofore made application for identification as a Mississippi Choctaw? A Yes, sir.
Q What is your object in appearing before the Commission at this time? A To make application for my sister, Grace Palmer, and her minor child under a power of attorney.

Applicant presents power of attorney from Grace Palmer, accompanied by a physician's certificate, which is marked Exhibit "A", and made a part of the records in this case.

- Q How old is Grace Palmer? A I could not answer it; you will find it in mother's testimony.
Q About how old is she? A She is about 24.
Q What is her post office address? A Amity, Arkansas.
Q How long has she lived at Amity? A 12 years.
Q Where did she live before that? A Caddo Gap, Arkansas.
Q She has lived in Arkansas all her life? A Yes, sir.
Q What is her father's name? A Alfred Jones.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Jane F. Jones.
Q Is she living? A Yes, sir.
Q Through which parent does she claim her Choctaw blood? A Her father.
Q How much Choctaw blood does she claim? A 1/16.
Q Has the father of Grace Palmer, through whom you claim the right to her identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.
Q Is your wife married? A Yes, sir.
Q What is her name? A G. F. Palmer.
Q Is she living? A Yes, sir.
Q How much Choctaw blood? A No.

Grace Palmer -----2.

- Q You make no claim for him? A No, sir.
- Q Has Grace Palmer any children for whom you wish to make application? A Yes, one.
- Q What is its name and age? A Edith--about one year old.
- Q This application then is for Grace Palmer and her minor child? A Yes, sir.
- Q Through which one of his parents did Alfred Jones claim his Choctaw blood? A His father.
- Q What was his name? A Robert Jones.
- Q What was the name of Alfred Jones' mother? A Malinda.
- Q Was she a white woman? A Yes, sir.
- Q Through which parent did Robert Jones derive his Choctaw blood? A His mother.
- Q What was her name? A Rebecca Bex.
- Q Robert Jones was married and the head of a family in 1830 was he not? A Yes, sir.
- Q When and where were Grace Palmer's father and mother married? A I do not know.
- Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with evidence of the marriage of Grace Palmer's father and mother in support of the claim which you make for him her. This evidence may be furnished within thirty days.

- Q Is Grace Palmer's name or the name of her minor child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did she, or did any one for her, or for her minor child, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.
- Q Did she, or did any one for her, or for her minor child, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that has ever been made in her behalf? A To my knowledge.
- Q You appear at this time claiming rights for Grace Palmer and her minor child in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months 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 he 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."

Grace Palmer -----3.

but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification for Grace Palmer? A Yes, sir.
- Q What is the name of Grace Palmer's ancestor through whom you claim for her? A Rebecca Box.
- Q What relation was Rebecca Box to Robert Jones? A His mother.
- Q How much Choctaw blood did Rebecca Box have? A She was 1/2.
- Q Do you know through which one of her parents Rebecca Box claimed her Choctaw blood? A No, sir.
- Q Grace Palmer's grandfather, Robert Jones, was married and the head of a family in 1830? A Yes, sir.
- Q Then he is the Choctaw ancestor through whom you claim for Grace Palmer? A Yes, sir.
- Q Did Robert Jones comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not to my knowledge.
- Q Was Robert Jones living in 1830 when this treaty was made? A I so understand.
- Q Was he a recognized member of the Choctaw tribe of Indians? A I understand he was.
- Q Was he recognized by the tribal government or by the United States government, or was he simply regarded by his neighbors and acquaintances as possessing Choctaw blood? A He was recognized by the Choctaws.
- Q Do you know how he was recognized? A My understanding is that he made application for land in Mississippi and was recognized as a Choctaw.
- Q When was this application for land made by him? A I understand it was in 1830.
- Q Did Robert Jones, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent in Mississippi at that time, and signify to him an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I have so heard.
- Q You have heard that Robert Jones went to the Agent and endeavored to register for land under article fourteen of the treaty of 1830? A I can't say just how the application was made.
- Q Did any of the Choctaw ancestors of Grace Palmer ever claim or receive any land from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A I have heard that Robert Jones made application to the government for land in 1830.
- Q Did he obtain that land? A I understand that it was granted him.
- Q Did he live on it for five years? A I think not.
- Q He left it prior to the expiration of the five years residence required in article fourteen? A It is my understanding that owing to trouble he had to leave there.
- Q Did any of the ancestors of Grace Palmer remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaws between the years 1833 and 1838? A I don't know.
- Q Do you know if Robert Jones owned an improvement in the old Choctaw Nation prior to 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mis-

Grace Palmer -----4.

Mississippi to register the names of these Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of the treaty of 1830. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, created Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did Robert Jones appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish his rights as a Choctaw Indian under the provisions of article fourteen of the treaty of 1830? A Not that I knew of.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of 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 the Choctaw ancestors of Grace Palmer receive any such scrip from the government under that act of Congress? A Not to my knowledge.
- Q So far as you know have any of the Choctaw ancestors of Grace Palmer ever received any benefits as Choctaw Indians? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to offer? A No.
- Q Do you desire time in which to present further testimony? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of the claim which you make for ~~James~~ Grace Palmer.

- Q Does Grace Palmer speak the Choctaw language? A No.
- Q Describe her personal appearance? A She is dark, and slender. She is the darkest one of the family. She resembles Mrs. Highsmith--you have her description; I am not expert in these matters.
- Q Does she speak or understand the Choctaw language? A No.

Grace Palmer -----5.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 23rd day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 27th day of April, 1903.

Charles H. Sawyer
Notary Public.

COPY: H.C.R. 7291

Muskogee, Indian Territory, March 17, 1904.

Granville Jones,
Austin, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including Grace and Edith Palmer.

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

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered.

MCR-7291

COPY.

Muskogee, Indian Territory, January 23, 1906.

Granville Jones,

Austin, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for the identification of Grace and Edith Palmer, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tama Bixby.*

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Grace Palmer

Age 24 Blood 1/16

Post Office, Amity, Ark

Father: Alfred Jones D.

Mother: Jane R. Jones L

Claims through father

Husband: C. P. Palmer, h.w.

~~is~~

No claim for him

Children.

Edith Palmer S.

(Application by
Granville Jones under
power of attorney for
Grace Palmer & her
minor child)

Stenographer R. B. Eisenberg

DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 17 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 14 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R.

Copy of testimony in this case furnished S. B. Dawes Apr.20/04

See M C R 6755

Choctaw MCR 7292

Edna Garrett

MCR 7292

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 23, 1903.

In the matter of the application made by John H. Jones for the identification of his grandchildren, Edna, Annie, James, Walter, Lila and Mamie Garret, as Mississippi Choctaws.

Appearance: S. B. Dawes, attorney for applicants.

John H. Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Jones.
Q What is your age? A Seventy-two.
Q What is your post office address? A Chickasha, Indian Territory
Q What is your object in appearing before the Commission at this time? A To enroll my grandchildren.
Q You desire to make application for the identification of your grandchildren as Mississippi Choctaws? A Yes.
Q What are their names and ages? A Edna Garret, 17; Annie Garret, 15; James Garret, 13; Walter Garret, 11; Lila, 9, and Mamie Garret, 7.
Q What is the name of the father of these children? A Clinton Garret.
Q Is he living? A Yes, sir.
Q What is the name of the mother of these children? A Malinda.
Q Is she living? A No.
Q Through which parent do these children claim their Choctaw blood? A Through their mother.
Q How much Choctaw blood do you claim for these children? A 1/32 I reckon.
Q What is the post office address of these children? A Tap, Texas.
Q How long have they lived in Texas? A All their lives.
Q Were they born there? A Yes, sir.
Q Was the mother of these children, through whom you claim the right to their identification, ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.
Q Through which one of her parents did Malinda Garret claim her Choctaw blood? A Her father, John H. Jones.
Q What was her mother's name? A Annie H. Jones.
Q You are the father of Malinda Garret? A Yes, sir.
Q And the grandfather of these children? A Yes, sir.
Q Is Clinton Garret, the father of these children, a white man? A Yes, sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q What was his name? A Robert Jones.

Edna Garret, et al., -----2.

- Q What was your mother's name? A Malinda Jones.
- Q Robert Jones and Malinda Jones, the great-grandparents of these children, were married prior to 1830? A Yes, sir.
- Q And it is through Robert Jones you claim the right to identification of these Children as Mississippi Choctaws? A Yes, sir.
- Q Are the names of any of these children to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Has any one made application to the Choctaw tribal authorities for the enrollment of these children? A No, sir.
- Q Did any one in 1896 make application to this Commission for citizenship in the Choctaw Nation for these children under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or for the enrollment of these children as citizens of the Choctaw Nation that has ever been made? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for these children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

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

- Q Is that the provision of law under which you are claiming the right of these children to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of the Choctaw ancestor through whom you claim the right the right to identification for these children? A Robert Jones.
- Q Their great-grandfather? A Yes, sir.
- Q Was Robert Jones living in Mississippi in 1830 when this treaty was made? A Yes, sir.
- Q Was he the head of a family there at that time? A Yes.
- Q Did Robert Jones comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Well I only know from tradition; I understand he did.
- Q How did he comply or attempt to comply? A Well I could not tell you.
- Q Do you know whether Robert Jones, within six months after the

ratification of the treaty of 1830, signified to Colonel Ward, the Indian Agent, an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I don't know.

- Q Do you know whether Robert Jones was a recognized member of the Choctaw tribe of Indians when this treaty was made? A I think he was recognized by the Indians.
- Q By the United States government or by the Choctaw tribal authorities? A I don't know.
- Q Did Robert Jones remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A He did not.
- Q Was Robert Jones born in Mississippi? A No.
- Q Where was he born? A I think in Kentucky or Alabama.
- Q Do you know what date he removed to Mississippi? A About 1829.
- Q Had he ever lived in Mississippi prior to that time? A No, sir.
- Q Did Robert Jones ever claim or receive any land in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A I can't tell you--only from tradition.
- Q What have you heard? A I understand there was land set aside for him. He went and lived on it awhile.
- Q You understand he obtained land from the government under article fourteen of the treaty of 1830? A He got permission in some shape to go on the land; he went on the land and stayed awhile until some trouble came up.
- Q Do you know whether he obtained that land under article fourteen? A I can't tell.
- Q Did he live on that land for five years as required in article fourteen? A No, I think not.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation, of taking land there and becoming citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did Robert Jones, or any other Choctaw ancestor of these children appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A Not that I know of.
- The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in every respects with article fourteen of the

Edna Garret, et al., -----4.

treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of 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 the Choctaw ancestors of these children receive any such scrip from the government under this act of Congress? A I don't know.
- Q So far as you know were any of the Choctaw ancestors of these children recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did any of their Choctaw ancestors ever receive any benefits as Choctaw Indians from the government? A No
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence? A No.
- Q Do you desire time in which to present further testimony? A Yes.

Thirty days will be allowed from the date of this application within which to introduce additional evidence in support of the claim you now make for the identification of these children. No extension of this time will be granted except on motion in writing setting forth the cause for continuance, the names of the witnesses, and the matters to which they will testify.

- Q Do these children speak the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q Several of the relatives of these children have appeared before the Commission and made application? A Yes, sir.
- Q What relation is Willis C. Jones to these children? A Their great uncle.

Reference is made to the case of Willis C. Jones, M.C.R. 6753, for the purpose of consolidation.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 23rd day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 28th day of April, 1903.

Charles Mc Sawyer
Notary Public.

Muskogee, Indian Territory, March 17, 1904.

John M. Jones,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including your grand-children, Edna, Annie, James, Walter, Lila and Mamie Garret.

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

Respectfully,

SIGNED

J. H. Brockmire

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING

NQR-7292

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

Muskogee, Indian Territory, January 23, 1906.

John H. Jones.

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for the identification of Edna, Annie, James, Walter, Lila and Mamie Garrett, as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name _____
 Age _____ Blood ^{of chieft} 32
 Post Office ^{of chieft} Sap, Texas.
 Father: ^{of chieft} Clinton Garrett L
 Mother: ^{of chieft} Malinda " D
 Claims through ^{chieft} mother

Children:

- Edna Garrett 17
- Annie " 15
- James " 13
- Walter " 11
- Lula " 9
- Mamie . 7

Application by John
 N. Jones for his 6
 minor grandchildren

Stenographer: R. H. [Signature]

7292

MAR - 6 1906

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

John N. Jones,

Chickasha, Indian Territory.



Adina Barred et al

DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MADE BY APPLICANT

MAR 17 1904

NOTICE OF DECISION FORWARDED
BY ATTORNEY FOR APPLICANTS.

1904

NOTICE OF DECISION FORWARDED
BY ATTORNEY FOR APPLICANTS.
FOR CHOCTAW AND CHEROKEE NATIONS.

MAR 17 1904

ACTION APPEALED BY SECRETARY OF INTERIOR.
JAN 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.

JAN 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT

JAN 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT FOR CHOCTAW
AND CHEROKEE NATIONS.

JAN 1906

REFER TO M. C. R.

COMMISSIONERS

TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM O. BEALI
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Copy of testimony in this case furnished S. B. Dawes, Apr. 20/04
See M C R 6755

Choctaw MCR 7293

Texanna Swarner

MCR 7293

#7293.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. March 23, 1903.

In the matter of the application for the identification of
Texanna Swarner and her eight minor children, William, Maggie,
Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner, as Mis-
sissippi Choctaws.

Appearance: S. B. Dawes, attorney for applicant.

John N. Jones, being first duly sworn, testified as fol-
lows:

Examination by the Commission:

- Q What is your name? A John N. Jones.
Q How old are you? A Seventy-two.
Q What is your post office address? A Chickasha, Indian Terri-
tory.
Q What is your object in appearing before the Commission at this
time? A To make application for my daughter, Texanna Swarner
and her eight minor children.
Q How old is Texanna Swarner? A Forty-five.
Q What is her post office address? A Silverton, Texas.
Q How long has she lived there? A About four years.
Q Where did she live before that? A In Texas.
Q Was she born there? A No, in Arkansas.
Q How long did she live in Arkansas? A Until she was four years
old.
Q What was her father's name? A John N. Jones.
Q You are the father of Texanna? A Yes.
Q What was her mother's name? A Her mother's name was Mary Jane.
Q Is that mother living? A No, sir.
Q Through which parent does Texanna claim her Choctaw blood? A
Her father.
Q How much Choctaw blood does she claim? A 1/16.
Q Have you, through whom Texanna claims, ever been recognized in
any manner or enrolled as a member of the Choctaw tribe of In-
dians by the Choctaw tribal authorities or the authorities of the
United States? A No, sir.
Q Through which parent do you claim your Choctaw blood? A My fa-
ther.
Q What is his name? A Robert Jones.
Q He is the grandfather of Texanna? A Yes, sir.
Q What is the name of Robert Jones' wife? A Malinda.
Q She claimed no Choctaw blood? A No.
Q Is Texanna Swarner married? A Yes, sir.
Q What is her husband's name? A Joel.
Q Is he a white man? A Yes, sir.
Q He claims no Choctaw blood? A No.
Q Is he living? A Yes, sir.
Q How many children has he? A No.
Q How many children has she? A Eight.
Q What are the names and ages of the children of Texanna Swarner?
A William, 12; Maggie, 11; Luther, 10; Clyde, 9; Arthur, 8;
Myrtle, 7; Addison, 6; Robert, 5.

Texanna Swarner, et al., -----2.

- Myrtle, 8; Addison, 6; Robert, 4.
- Q Is Texanna the mother of these children? A Yes, sir.
- Q Is Joel Swarner the father? A Yes, sir.
- Q These children claim through their mother? A Yes, sir.
- Q This application then, is for Texanna Swarner and her eight minor children? A Yes, sir.
- Q Is the name of Texanna Swarner, or are the names of any of her minor children, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Has any one made application to the Choctaw tribal authorities for the enrollment of these children? A No, sir.
- Q Did any one in 1896 make application to this Commission for citizenship in the Choctaw Nation for Texanna Swarner or for her minor children under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or for the enrollment of Texanna Swarner or her minor children as citizens of the Choctaw Nation that has ever been made? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for Texanna Swarner and her minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

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

- Q Is that the provision of law under which you are claiming the right to identification for Texanna Swarner and her minor children as Mississippi Choctaws? A Yes, sir.
- Q What is the name of the Choctaw ancestor through whom you claim to identification for Texanna Swarner and her minor children? A Robert Jones.
- Q Was Robert Jones living in Mississippi in 1830 when this treaty was made? A Yes, sir.
- Q Was he the head of a family there at that time? A Yes.
- Q Did Robert Jones comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Well, I only know from tradition; I understand no Aid.

Texanna Swarner, et al., -----3.

- Q How did he comply or attempt to comply? A Well I could not tell you.
- Q Do you know whether Robert Jones, within six months after the ratification of the treaty of 1830, signified to Colonel Ward, the Indian Agent, an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I don't know.
- Q Do you know whether Robert Jones was a recognized member of the Choctaw tribe of Indians when this treaty was made? A I think he was recognized by the Indians.
- Q Was he recognized by the United States government or by the Choctaw tribal authorities? A I don't know.
- Q Did Robert Jones remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1830 and 1838? A He did not.
- Q Was Robert Jones born in Mississippi? A No.
- Q Where was he born? A I think in Kentucky or Alabama.
- Q Do you know what date he removed to Mississippi? A About 1829.
- Q Had he ever lived in Mississippi prior to that time? A No.
- Q Did Robert Jones ever claim or receive any land in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A He got permission in some shape to go on the land; he went on the land and stayed awhile until some trouble came up.
- Q Do you know whether he obtained that land under article fourteen? A I can't tell.
- Q Did he live on that land for five years as required in article fourteen of the treaty of 1830? A No, I think not.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaw Indians and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did Robert Jones, or any other Choctaw ancestor of Texanna Swarner, or her minor children, appear before either of these Commissions appointed in 1837 or in 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided, that in case it should finally be decided that a Choctaw had complied in every respect with article fourteen of the treaty of 1830, but that his land had been sold by the government at

Texanna Swarner, et al., -----4.

its public land sales, he should be entitled to select land elsewhere in the states of 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 the Choctaw ancestors of Texanna Swarner and her minor children receive any such scrip from the government under this act of Congress? A I don't know.
- Q So far as you know, were any of the Choctaw ancestors of Texanna Swarner recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did any of her Choctaw ancestors ever receive any benefits as Choctaw Indians from the government of the United States? A No.
- Q Have you any witnesses? A No, sir.
- Q Have you any documentary evidence to present? A No, sir.
- Q Do you desire time in which to present further testimony? A Yes, sir.

Thirty days will be allowed from the date of this application within which to introduce additional evidence in support of the claim which you make for the identification of Texanna Swarner and her eight minor children. No extension of this time will be granted except on motion in writing setting forth the cause for continuance, the names of the witnesses, and the matters to which they will testify.

- Q Does Texanna Swarner or any of her minor children speak the Choctaw language? A No.

The case of Willis C. Jones, M.C.R. 6755, is referred to for the purpose of consolidation.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 23rd day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 28th day of April, 1903.

Charles E. Sawyer

Notary Public.

Muskogee, Indian Territory, March 17, 1904.

John K. Jones,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including Texanna, William, Maggie, Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner.

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

Respectfully,

(SIGNED)

O. R. ...

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR-7092

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

Muskogee, Indian Territory, January 23, 1906.

John N. Jones,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,



Commissioner.

mm

REFER IN REPLY TO THE FOLLOWING
MCR-7293

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

Muskogee, Indian Territory, January 23, 1906.

John N. Jones,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for the identification of Texanna, William, Maggie, Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner, as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903 Swarner

Name Texanna Swarner

Age 45 Blood 1/16

Post Office, Silvertown, Texas.

Father: John N. Jones. L

Mother: Mary Jane " D.

Claims through father

Husband: Joel Swarner
in X

(No claim for him)

Children:

- William Swarner 20
- Maggie " 18
- Luther " 14
- Clyde " 12
- Arthur " 10
- Myrtle " 8
- Addison " 6
- Robert " 4

Application by John N. Jones for Texanna Swarner a her eight children,
Stenographer R. B. [unclear]

Copy of testimony in this case given S. B. Dawes, Apr. 20/04.
See M C R 6755

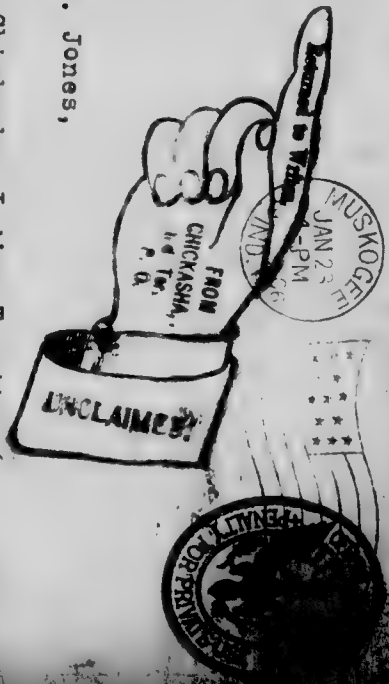
7293

MAR - 6 1906

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

John N. Jones,

Chickasha, Indian Territory



FROM
CHICKASHA,
IND. TER.,
P. O.

MUSKOGEE
IND. JAN 23
4-PM
1906



FOR IDEN...
A MISSISSIPPI CHOCTAW.

Suzanna Swamer, et

DECISION BY SECRET. JAN 14 1904

NOTICE OF... APPLICANT: JAN 17 1904

NOTICE OF...
ATTORNEY...

NOTICE OF... 1904

ACTION APPROVED BY SECRETARY OF INTERIOR
JAN 19 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARD... APPLICANT,
JAN 20 1906

A
FORWARD... FOR APPLICANT
JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARD... CHOCTAW
NATIONS,
JAN 27 1906

REFER TO M. C. R.

Choctaw MOR 7294

Jennie Atchison

MOR 7294

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7294

In the matter of the application of Jennie Atchison for the identification of herself and her minor child, Roy H. Atchison, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Jennie Atchison, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jennie Atchison.
Q How old are you? A Forty four.
Q What is your post office address? A Denver, Colorado.
Q How long have you lived at Denver? A Four years.
Q Where did you live before that? A Louisville, Nebraska.
Q Where were you born? A In Illinois.
Q You moved from Illinois to Nebraska? A I have been in eight different states.
Q Did you ever live in Mississippi? A No.
Q What was your father's name? A William Harper.
Q Is your father living? A No.
Q What is your mother's name? A Rebecca.
Q Is she living? A No.
Q Through which parent do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A A quarter.
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled by the Choctaw tribal authorities or the authorities of the United States? A No, I don't know.
Q Through which of his parents does your father claim his Choctaw blood? A Father.
Q What was your father's father's name? A Charles.
Q How much Choctaw blood did Charles Harper have? A He was full blood.
Q What was Charles Harper's father's name? A Don't know.
Q What was his mother's name? A Don't know.
Q You are not able to trace your ancestry any farther back than to your grandfather, Charles Harper? A No sir.
Q How old would your father be if living now? A I don't know.
Q About how old? A Ninety two about.

- Q When and where were your father and mother married? A I don't know
Q Where were they married? A In Illinois I think.

It will be necessary for you to furnish proper evidence of that marriage in support of your application.

- Q Are you married? A Yes sir.
Q What is your husband's name? A Elmer E. Atchison.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q Claims no Choctaw blood? A No.
Q You make no claim for him? A No.
Q Have you any minor children for whom you wish to apply? A One.
Q What is its name and age? A Roy H., sixteen.
Q You are the mother of this child? A Yes.
Q Elmer is the father? A Yes.
Q This application is for yourself and minor child? A Yes sir.
Q Is your name or the name of this minor child to be found on any of the tribal rolls of the Choctaw nation in the Indian Territory?
A No.
Q Did you or anyone for you or for this minor child make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
A No sir.
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has been made by you or on behalf of your child? A Yes.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.
Q You understand that article? A Yes sir.

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

- Q Is that the provision of law under which you are claiming the right to identification for yourself and child? A Yes.
Q What is the name of your Choctaw ancestor who was living in 1830 and head of a family at that time? A Charles Harper.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A Not that I knew of.

Q Were any of your Choctaw ancestors living in Mississippi and Alabama in 1830 when this treaty was made? A Not that I know of.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.

Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw nation in Mississippi or Alabama?

A No sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the Indian agent at that time in Mississippian intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A No.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 to 1838? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land from the United States Government under article 14 of the treaty of 1830? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of these Choctaws who might desire to remain in the old Choctaw Nation, take land there and become citizens of the States; the records of the Government show that a great many Choctaws did this but the agent failed to report or register their names and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them were sold by the Government at public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and 1842 and endeavor to establish their rights under article fourteen of the treaty of 1830? A They did.

Q Before which Commission did your ancestors appear, the Commission appointed in 1837 or the one appointed in 1842? A No sir, not that I know of.

Q Now, you said a moment ago that your ancestors did appear and now you say that they did not; which is correct? A I didn't understand you. Q I will ask it again: before which one of these Commissions did your ancestors appear- the one appointed in 1837 or 1842? A In 1842 I should judge.

Q Which ancestors of yours appeared before the Commission of 1842? A I don't know.

Q How do you know that any of your Choctaw ancestors appeared before the Commission of 1842 and endeavored to establish their rights? A I didn't understand you at all.

Q I want to know how you knew that any of your Choctaw ancestors appeared before the Commission appointed in 1842 and endeavored to establish their rights under article fourteen of the treaty of 1830? A I don't know what you mean at all.

Q As I explained to you before, a Commission was appointed in 1837 and another in 1842 by the Government to go down to Mississippi and hear the claims of Choctaws who claimed that they had complied with article fourteen of the treaty of 1830 but had not received their land now I am asking you if any of your Choctaw ancestors appeared before either of these Commissions and endeavored to ave their rights adjudicated under article 14 of that treaty? A Yes sir.

Q Which ancestors appeared and before which Commission did they appear? A I don't know.

Under the treaty of 1830 the Government directed an agent in Mississippi at that time to register the names of these Choctaws who might desire to take advantage of the provisions of article 14 of the treaty; the records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify such an intention and as a result of his neglect in many instances the land upon which the Choctaws lived and had improvements and which they desired reserved for them were sold by the Government at its public land sales; this caused many complaints and finally these complaints reached Congress and Congress by acts passed in 1837 and 1842 created Commissions to go to Mississippi and investigate these claims..

Q Now I want to know if any of your Choctaw ancestors appeared before either of these Commissions and endeavored to establish their rights under article fourteen of the treaty of 1830? A Not unless it was my grandfather, Charles Harper.

Q Do you know that Charles Harper appeared before either of these Commissions? A I don't know that.

Q Then you don't know that any of your Choctaw ancestors appeared before either the Commission appointed in 1837 or 1842 and endeavored to have their rights adjudicated? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land in the States of 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 ever receive any such scrip from the Government under this act of Congress? A Not that I know of.

Q So far as you know have any of your ancestors been recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know have they ever received any benefits as such? A No.

Q Have you any witnesses you desire to introduce at this time? A No.

Q Have you any documentary evidence to present? A No sir.

Q Do you desire time in which to introduce it? A Yes sir.

Thirty days will be allowed this applicant in which to furnish additional testimony in support of this claim.

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

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

Q Have any relatives of yours appeared before the Commission prior to this time? A Yes.

Q Do you desire your case referred to and considered with theirs? A Yes.

Q What are the names of some of these relatives? A Brother, Charles Harper and my sister, Christine Knapp.

-This applicant has the appearance of being a white person; shows no indications of being possessed of Choctaw Indian blood; light complexion, brown eyes, hair formerly brown, now gray; has no knowledge of the compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

-- --
R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this ^{July} 12 day of ~~June~~, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 15, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 11, 1903, enclosing certified copy of marriage record of Elmer Atchison and Jenny Harper, offered in support of the application of Jennie Atchison, et al., for identification as Mississippi Choctaws.

The same has been filed with the record in this case.

Respectfully,

Chairman.

(7326
M.C.R. (7294
(7202-4829

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of
April 27, 1903, enclosing the following:

Certified copy of marriage license and certificate of
Edward M. Knapp and Cecily Flynn offered in support of the
application of Edward M. Knapp, et al., for identification
as Mississippi Choctaws.

Certified copy of the record of marriage of Wm. Harper and
Rebecca Rider offered in support of the application of Jennie
Atchison et al., for identification as Mississippi Choctaws.

Affidavit of Frank J. Harper offered in support of the ap-
plication of Frank J. Harper et al., for identification as Mis-
sissippi Choctaws.

Marriage license and certificate of Marcus Stockdale and
Ida Belle Hobbs offered in support of the application of Ida
Stockdale et al., for identification as Mississippi Choctaws.

The above mentioned documents have been filed with the
records in their respective cases.

Respectfully,

Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M C B 7294

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1903.

Mrs. Jennie Atchison,
Denver, Colorado.

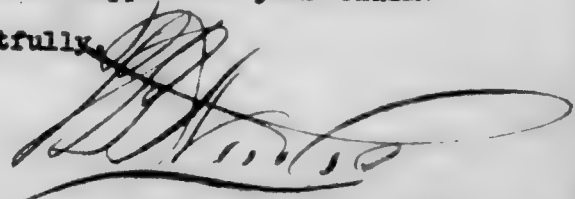
Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you ask that the original marriage certificate of Jennie Harper to Elmer Atchison be returned you. You state that your attorneys, Thomas & Harrison, furnished the Commission with a certified copy but didn't receive the original in return.

In reply you are informed that it appears from our records that on April 14, 1903, there was filed with this Commission a certified copy of the marriage record between Elmer Atchison and Jenny Harper; also on April 30, 1903, certificate of record of marriage between Wm. Harper and Rebecca Rider, offered in support of your application for the identification of yourself and minor child as Mississippi Choctaws.

It does not appear from our records that your original marriage certificate was ever filed in support of your claim.

Respectfully,



Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Jennie Atohison that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

W. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING
M C R 7294

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

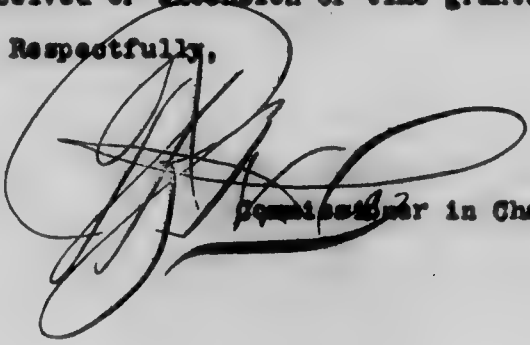
Muskogee, Indian Territory, November 6, 1903.

Jennie Atchison,
Denver, Colorado.

Dear Madam:

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,



Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Jennie Atchison,
Denver, Colorado,

Dear Madam:

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 of yourself and son, Roy H. Atchison, is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, 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. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

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

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 7294.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

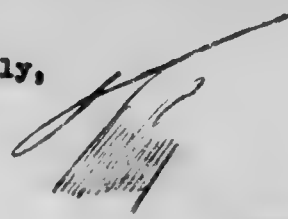
Muskogee, Indian Territory, June 26, 1905.

Jennie Atchison,
Denver, Colorado.

Dear Madam:

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 19th day of March, 1904.

Respectfully,



Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Jennie Atchison

Age 44 Blood 1/4

Post Office, Denver, Colo.

Father: William Harper D.

Mother: Rebecca " D.

Claims through father

Husbands:

Elmer E. Atchison^{us}

No claims for him

Children:

Roy H. Atchison 16

(Claims for self & one
minor child)

Stenographer

R. B. Eisenberg

MISSISSIPPI CHOCTAW

Jessie Atchison, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

~~NOTICE OF DECISION MAILED APPLICANT.~~

~~MAR 19 1904~~

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

ACTION APPROVED BY
SECRETARY OF THE INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

05

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670

RECORDS SEA

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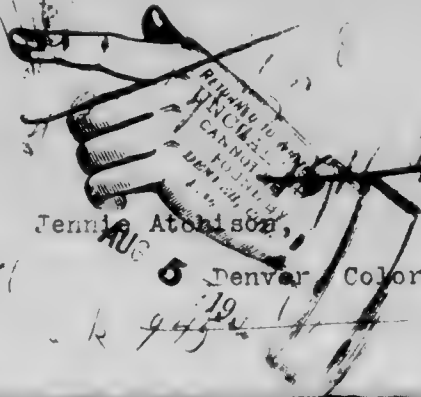


DEPARTMENT OF THE Interior.
Commission to the Five Civilized Tribes,
MUSKOCOE, IND. TER.

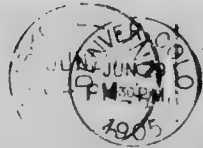
7294

Not intended for
1616 Washington Ave.
Atchison

Not intended for
1616 Washington Ave.
Atchison



Jennie Atchison
AUG 5 Denver Colorado.



19
R 445

7294

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 21 1903

[Handwritten signature]

CHAIRMAN



CAUTIONS

*does not belong
to James A. Johnson
1700 Chestnut*

McClamond

Nov-11-11

General Office M. C. R.

Advising that ~~third~~ ^{first} ~~days~~ ^{days} from date
will be allowed in which to submit
further evidence in support of appli-
cation for identification as a Lis-
sissippi convict.

Watson,
Denver,
Colorado.

RETURN
TO WR
U.S. DEPT. OF THE INTERIOR

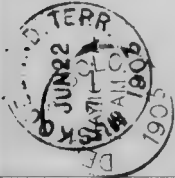
Department of the Interior
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Penalty for private use, \$300.



7294

File

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE ...

FILED

JUL 2 1903

[Handwritten signature]

CHAIRMAN

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Jennie Richison,
Denver, Colorado.

RETURNED
TO WRITER
UNDELIVERED
By MAIL DELIVERY
JUN 19 1903

Choctaw MCR 7295

Guy G. Harper

MCR 7295

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7295

In the matter of the application of Guy G. Harper for identification as a Mississippi Choctaw.

Thomas and Harrison, attorneys for applicants.

Guy G. Harper being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Guy G. Harper.
Q How old are you? A Twenty two.
Q What is your post office address? A Kansas City, Missouri.
Q How long have you lived there? A About three years.
Q Where did you live before that? A In Lamar, Colorado.
Q How long have you lived in Colorado? A About 14 years.
Q Where did you live before that? A In Missouri.
Q You were born in Missouri? A Yes sir.
Q Moved from there to Colorado? A Yes sir; we moved to Kansas and then we moved to Colorado.
Q What was your father's name? A William P. Harper.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lizzie C.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father through whom you claim the right to identification ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A He has made application for identification as a Mississippi Choctaw.
Q He has never been enrolled by the tribal authorities as a member of the Choctaw tribe of Indians? A No sir.
Q Through which parent does your father claim his Choctaw blood?
A His father.
Q What was his name? A Reuben Harper.
Q What was his mother's name? A Sarah.
Q Was she a white woman? A Yes sir.
Q Claimed no Choctaw blood? A No.
Q Through which one of his parents did Reuben Harper claim his Choctaw blood? A His father.
Q What was his name? A Charles Harper.
Q Do you know what the names of Charles Harper's parents were? A No.

Q You are not able to trace your ancestry any farther back than Charles Harper? A No.

Q Are you married? A No.

Q Claim for yourself alone? A Yes sir.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.

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

Q This is the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under the provisions of article fourteen of the treaty of 1830? A I do.

Q Understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.²

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your Choctaw ancestors through whom you claim this right? A Charles Harper.

Q Was Charles Harper married and the head of a family in 1830?

A I think so; I suppose he was.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I am not positive of it; all I know is what I heard; I am not sure.

Q Were any of your Choctaw ancestors living in Mississippi or Alabama when this treaty was made? A I think so.

Q Where in the state of Mississippi or Alabama were your Choctaw ancestors living then? A I don't know.

Q Do you know whether it was within the confines of the old Choctaw Nation? A I don't.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the Indian agent in Missis-

Mississippi an intention to remain in the old Choctaw nation and comply with the provisions of article 14 of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government under article 14 of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take lands there and become citizens of the States; the records of the Government show that this agent failed to register and report the names of many Choctaws who really did signify their intention to comply with the provisions of that article and on this account in many instances the lands upon which Indians lived and had improvements and which they desired reserved for them under the article were sold by the Government at its public land sales and the Choctaws deprived of their land. This caused so much complaint that finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either the Commission appointed in 1837 or 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either of the States of Alabama, Mississippi, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A I don't know.

Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did they ever receive any benefits as such?

A I do not know.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to present? A No.

Q Where and when were your father and mother married? A In Pike County, Missouri.

Q Have you any evidence of this marriage with you? A No, my father has it.

Q Has your father filed the evidence in his case? A Yes sir.

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

Q Do you desire time in which to introduce further evidence? A Yes sir.

Thirty days time will be allowed for this purpose; no extension of this time will be allowed

Q Has any relative of yours appeared before the Commission? A My father, William Harper; that's all that's made application previous to mine; there's none to follow.

Q What relation was Jennie Atchison to you? A I don't know; I only seen her today.

Q You desire your case considered with those of other relatives who claim through the same common ancestor? A Yes sir.

Applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood of the Choctaw; has dark complexion, dark brown hair, dark eyes; has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} June, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 7295.

Muskogee, Indian Territory, November 6, 1903.

Guy G. Harper,

Kansas City, Missouri,

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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7295.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Guy G. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M C R 7296

Muskogee, Indian Territory, December 23, 1903.

Guy G. Harper,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that you have removed from Kansas City, Missouri, to Muskogee, Indian Territory, and that all communications to you should now be addressed to the latter place.

You are informed that a proper record has been made of the change in your post office address.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Guy G. Harper,

Muskogee, 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 identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record 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.

M.C.R.7295.

Muskogee, Indian Territory, June 26, 1905.

Guy G. Harper,

Muskogee, 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 19th day of March 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Guy G. Harper

Age 22 Blood 1/8

Post Office, Kansas City, Mo

Father: William P. Harper L

Mother: Lizzie C. L

Claims through father

~~Nothing~~

(Claims for self only)

Stenographer R. H. Eisenberg

SIS... OCTAW

Wm G. Harper

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 24 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

12/13/02 Muskogee I.P.

Choctaw MOR 7296

Wallace H. Wilcher

MOR 7296

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7296

In the matter of the application of Wallace H. Wilcher for the identification of himself and his two minor child, Fay O. and Cleo W. Wilcher, as Mississippi Cheetaws.

J.O.Pool, attorney for applicants.

Wallace H. Wilcher being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Wallace H. Wilcher.
Q How old are you? A Twenty nine.
Q What is your past office address? A Ferris, Texas.
Q How long did you live there? A Twenty eight years.
Q Where were you born? A Mississippi.
Q Then you went to Texas when you were about one year old? A Yes sir.
Q What is your father's name? A H.T. Wilcher.
Q Was he a white man? A Yes sir.
Q Claims no Cheetaw blood? A No.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary J. Wilcher.
Q Is she living? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Cheetaw blood do you claim? A A fourth.
Q Has your mother through whom you claim your right to identification as a Mississippi Cheetaw ever been recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the authorities of the United States?
A No sir.
Q Through which of her parents does your mother claim her Cheetaw blood? A Through her mother, and her father both.
Q What was her mother's name? A Galile Brookhiser.
Q What was her father's name? A A.Y. Haines.
Q Are either of those persons living? A No.
Q How much Cheetaw blood did your mother's father have? A Half.
Q How much did your mother's mother have? A Half.
Q Through which one of his parents did A.Y. Haines claim his Cheetaw blood? A I don't tell you.
Q What was Galile Brookhiser's father's name? A James Brookhiser.
Q What was her mother's name? A Galile Graves.
Q You are not able to trace your ancestry any further back than to your grandfathers, A.Y. Haines on your father's side, and through your mother's mother you trace back to James Brookhiser and Galile Graves?
A Yes sir.

- Q Do you know how much Choctaw blood James had? A Half.
Q How much did Sallie have? A Half.
Q Do you know the names of their parents? A No.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susie.
Q Is she a white woman? A Yes sir.
Q Claims no Choctaw blood? A No.
Q You make no claim for her? A No.
Q Is she living? A Yes sir.
Q Have you any minor children? A Two.
Q What are their names and ages? A Fay O., 2; Cleo W., 1.
Q Are you the father of these children? A Yes sir.
Q Susie the mother? A Yes sir.
Q They claim through you? A Yes sir.
Q This application then is for yourself and two minor children?
A Yes sir.
Q When and where were you married? A 1900 at Ferris, Texas.
Q Were you married under a license? A Yes sir.
Q Have you any evidence of your marriage with you at this time?
A No sir.

It will be necessary that you furnish such evidence in support of this application for your minor children.

- Q Is your name or the name of your minor children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
A No sir.
Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
Q Is this the first application of any description that has ever been made for yourself or these children for citizenship or enrollment?
A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.
Q You understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said 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 Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and head of a family at that time? A James and Sella Brookshier.
- Q Your great grandparents? A Yes sir.
- Q How old is your mother at this time? A Forty five I think.
- Q Do you know how old your grandfather Hains would be if living now? A About 97.
- Q Do you know when your father's parents were married? A No sir.
- Q Do you know whether or not it was before or after the treaty of 1830? A No sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation when this treaty was made? A Yes sir.
- Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A No.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1853 to 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Indian agent in Mississippi at that time an intention to stay in the old Choctaw Nation, take land there and become citizens of the States? A James Brookshier did; he applied sometime and was turned down by some judge there.
- Q Do you know to whom he applied? A I did know but can't recollect it.
- Q Was it Col. Ward? A Yes sir.
- Q Did James have a Choctaw Indian name? A I don't know.
- Q Did Sallie have a Choctaw Indian name? A I don't know.
- Q Do you know whether this land that he applied for in Mississippi was applied for under article fourteen of the treaty of 1830? A I do not know.
- Q You don't know what land it was that he applied for? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States Government under article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed an agent in Mississippi at that time to register and report the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of article 14 of the treaty of 1830: the records of the Government show that this agent failed to register and report the names of many Choctaws who really did signify their intention to stay in the old Choctaw Nation, take land there and become citizens of the States. On this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them was sold by the Government at its public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either the Commission of 1837 or 1842 and endeavor to establish claims under article 14 of the treaty of 1830? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either of the States of 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 ever receive any such scrip from the Government under this act of Congress? A I don't know.
Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.
Q Have any of them received any benefits as such? A No.
Q Have you any witnesses? A No.
Q Have you any documentary evidence to present? A No.
Q Do you desire time in which to present evidence? A No sir.
Q Are there any further statements you wish to make? A No.

Applicant has the appearance of being a white man; shows no indications of being possessed of Choctaw blood; light complected, brown hair blue eyes; has no knowledge of the compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

- Q Your mother, Mary J. Wilcher, has appeared before the Commission?
A Yes sir.

Reference is made to the case of Mary J. Wilcher, M.C.R. 6903.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1903.

Charles H. Sawyer
Notary Public.

M C R 6984
M C R 7296
M C R 7327

Muskogee, Indian Territory, April 23, 1903.

J. O. Pool,
Attorney at Law,
Kosena, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between W. P. Wilcher and Ola Moyers, offered in support of the application made by Billy P. Wilcher for identification as a Mississippi Choctaw.

Also certified copy of marriage license and certificate between Wallace Wilcher and Susie McLendon, offered in support of the application made by Wallace H. Wilcher for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between A. Y. Wilcher and Stella Malloy, offered in support of the application made by A. Y. Wilcher for identification as a Mississippi Choctaw.

Said documents have been filed with the record in the respective cases.

In your letter you ask that the above mentioned parties be allowed fifteen days additional time in which to offer further

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reference in support of their claims. You are advised that such
extension is hereby granted.

Respectfully,

Chairman.

RECEIVED
MAY 11 1951
U.S. PATENT OFFICE

M C R 7290

Muskogee, Indian Territory, April 5, 1904.

Wallace H. Wilcher,
Ferris, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your children Fay O. Wilcher, and Cleo W. Wilcher.

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

Respectfully,

BNED

F. B. Merrill

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Wallace H. Wilcher,
Ferris, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Fay O. Wilcher and Cleo W. Wilcher, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

James Birby.

Chairman.

MCR-7296

Muskogee, Indian Territory, October 20, 1906.

Wallace H. Wilcher,
Marrio, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Wallace H Wilcher

Age 29 Blood 1/4

Post Office Ferris, Texas.

Father: H. T. Wilcher w. L.

Mother: Mary J. " L.

Claims through mother
Wife Susie Wilcher w. L.

(No claim, for her.)

Children:

~~W. H.~~ Fay O. Wilcher 2.
Geo. W. " 1.

Claims for self 2
Wife childre

Walter H. Wheeler

REFUSED.

DECISION RENDERED

MAR 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAR - 15 1904
NOTICE OF DECISION
FORWARDED ATTORNEY

FOR APPLICANTS.

APR - 5 1904

ORDER FORWARDED DEPARTMENT.

APR 21 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 22 1904

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

SEP 26 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

REFER TO M. C. R.

Choctaw MCR 7297

Victor H. McCarrick

MCR 7297

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 23, 1903.

7297

In the matter of the application of
Victor H. McCarrick for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Victor H. McCarrick being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Victor H. McCarrick.
Q How old are you? A Twenty two.
Q What is your post office address? A Bison, Oklahoma.
Q How long have you lived in Oklahoma? A Ten years.
Q Where did you live before that? A Chickasaw Nation one year and the rest of my life in Kansas.
Q Were you born in Kansas? A Yes sir.
Q What is your father's name? A William E. McCarrick.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Through which one of her parents did your mother derive her Choctaw blood? A Susan Grary her mother.
Q What was your mother's father's name? A George Barter.
Q Was he a white man? A Yes sir.
Q Claimed no Choctaw blood? A No.
Q Your mother's mother has been married since the death of your mother's father? A Yes sir.
Q Through which one of her parents did she claim her Choctaw blood?
A Through her father.
Q What was his name? A Reuben Harper.
Q What was the name of Reuben Harper's wife? A Maria.
Q Was she a white woman? A Yes sir.
Q Claimed no Choctaw blood? A No.
Q Through which one of his parents did Reuben Harper claim his Choctaw blood? A His father, Charles Harper.
Q Are you able to trace any farther back? A No.
Q Charles Harper was your great grandfather? A Yes.
Q Are you married? A No.
Q Have you ever been married? A No.

- Q This application then is for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities for enrollment as a member of that tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
- Q Is this the first application of any description you have ever made? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Understand that article? A Yes sir.

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

- Q Is that the provision of law under which you claim your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your ancestor through whom you claim this right? A My great grandfather, Charles Harper and my great grandfather, Reuben Harper.
- Q Do you know when Reuben Harper and Maria Harper were married? A No.
- Q How old is Susan Crary at this time? A About 64 or 68.
- Q Do you know if she had any older brothers and sisters? A She had several; I don't know whether they are older; I think they are.
- Q You are not able to state definitely whether Reuben Harper was married and head of a family in 1830? A No sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I am not positive.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians 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 signify to the Indian agent in Mississippi at that time an intention to remain there, take land and become citizens of the States? A I can't say.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation to the present Choctaw Nation between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land under article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did comply with that provision, and on this account in many instances the lands upon which the Indians lived and had improvements and which they desired reserved for them were sold by the Government at public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and as a result the matter was finally brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and endeavor to establish rights under article 14 of the treaty of 1830? A Not to my knowledge.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either of the States of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government lands and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A I don't know.

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.

Q Have they ever received any benefits as such? A I don't know.

Q Have you any witnesses? A No.

Q Any documentary evidence to offer? A No.

Q Do you desire time in which to introduce further testimony? A Yes.

Thirty days time will be allowed for that purpose.

Q Do you speak the Choctaw language? A No.

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

Q Several of your relatives have appeared before the Commission?

A Yes.

Q You desire your case considered with theirs? A Yes sir.

This applicant has the appearance of being a white man; shows no indications of being possessed of Choctaw blood; light complected

brown hair, blue eyes; has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

July

Subscribed and sworn to before me this 13 day of June, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 26, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the following:

Joint affidavit of Jas H. Trinkle, J. F. Hoffman, Nellie Hoffman, N. E. McCormick and N. A. McCormick, offered in support of the Mississippi Choctaw case of Henry Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles E. Baldwin and L. J. Johnson, offered in support of the Mississippi Choctaw case of Louis J. Baldwin, et al.

Affidavit of Mrs. Emma V. Hansen, offered in support of the Mississippi Choctaw case of Victor H. McCarrick; also affidavit of Mrs. S. Crary offered in support of the same case.

Marriage license and certificate between George E. Fields and Sarah Johnson, offered in support of the Mississippi Choctaw case of Sarah G. Fields, et al.

Joint affidavit of G. E. Glesby and A. E. Hight, offered

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ed in support of the Mississippi Choctaw case of Annie Aston, et al.

Certified copy of marriage certificate between William Harper and Cassandra Romine, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Victor H. McCarrick that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7297.

Muskogee, Indian Territory, November 6, 1903.

Victor H. McCarrick,

Bison, 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 your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Victor H. McCarrick,

Bison, Oklahoma,

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 7297.

Muskogee, Indian Territory, June 26, 1905.

Victor H. McCarrick,

Bison, 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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 22 1903

Name Victor A. McCarrick

Age 22 - Blood 7/16

Post Office, Pison, Okla.

Father: William E. McCarrick L

Mother: Martha " L

Claims through mother

~~Witness:~~

Stenographer

R. B. Blumberg

MISSISSIPPI CHURCH

Victor H. McCarrick

DECISION RENDERED. MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 10 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

ACTION APPEAL
SECRETARY OF THE BOARD

NOTICE OF APPEAL

NOTICE OF APPEAL

NOTICE OF APPEAL

C. R.

Choctaw MCR 7298

Joe Jackson

MCR 7298

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

In the matter of the application of Joe Jackson for identification as a Mississippi Choctaw, M.C.R. 7298.

I N D E X .

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Decision of the Commission identify- ing Joe Jackson as a Mississippi Choctaw,.....	3

#7298.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 23, 1903.

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

J. G. Ralls, attorney for applicant.

Joe Jackson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Joe Jackson.
Q How old are you? A Forty-eight.
Q What is your post office address? A Ardmore, Indian Territory.
Q How long have you lived in Ardmore? A About three months.
Q Where did you live before that? A Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life until three months ago? A Yes sir.
Q What is your father's name? A Che-la-tah.
Q Did he have any English name? A Yes.
Q What was his English name? A Jackson.
Q Is he living? A Yes sir, he living.
Q What is your mother's name? A She had an English name and Choctaw name; her English name was Mary.
Q What was her Choctaw name? A I dont know; I have forgot.
Q Is she living? A No sir, died long time ago.
Q How much Choctaw blood did your father have? A Full blood.
Q How much Choctaw blood did your mother have? A Full blood.
Q You claim to be a full blood Choctaw? A Yes.
Q You claim through both your parents? A Yes.
Q Do you know your father's given name, his first name? A I dont know nothing but Jackson.
Q Have your parents through whom you claim your right to citizenship as a Mississippi Choctaw ever been recognized or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Susan.
Q Do you want to make application for your wife too? A She is dead.
Q Have you any children you want to make application for? A No.
Q This application then is for yourself alone? A Yes.
Q Have you ever made any application before this time for citizenship or enrollment in the Choctaw Nation? A No.
Q This is the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made, either to the Choctaw tribal authorities or to the authorities of the United States? A Yes.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian

Joe Jackson-----2

Territory under the provisions of article 14 of the treaty of 1830? A Yes.

Article 14 of the treaty of 1830 reads as follows:

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

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the Agent of the government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the states, as is provided in article 14 of the treaty of 1830? A I dont know.
- Q Did any of your ancestors ever receive any land in Mississippi from the government of the United States under article 14 of the treaty of 1830? A I dont know.
- Q Have all of your ancestors always been full blood Choctaw Indians? A All full blood Choctaws.
- Q Do you know whether any of them ever received any scrip from the government under an act of Congress approved August 23rd, 1842, which scrip entitled them to locate on land in Mississippi, Alabama, Louisiana, or Arkansas? A I dont know.
- Q Have you any further statements that you wish to make? A No.
- Q Any documentary evidence to present? A No.

This applicant has the appearance of being a full blood Choctaw Indian. He speaks and understands the Choctaw language; and also speaks and understands some English. He has no knowledge of any compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on March 23, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this *W. H. Martin* 31 day of March, 1903.

Charles H. Sawyer

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

-oOo-

In the matter of the application of Joe Jackson for identification as a Mississippi Choctaw, M.C.R. 7298.

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

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 23, 1903, by Joe Jackson for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

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

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

It is, therefore, the opinion of this Commission that Joe Jackson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAR 12 1904

Ardmore, I. T. April 17, 1903.

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

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

Joe Jackson

M C R
1140 1142
8422 7298

Mustogee, Indian Territory, June 1, 1903.

Geo. H. Criner,
Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask "Have you as yet passed upon or determined as to the citizenship of Jno. Farve, Seymour Farve, David Farve and Joseph Jackson?"

In reply you are informed that the Mississippi Choctaw cases of John Farve, et al., Seymour Farve, et al., David Farve and Joseph Jackson have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 1140
2276 - 2421
7293 - 1142

Muskogee, Indian Territory, April 11, 1903.

John Farve,
Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself, Seymour Farve, Joseph Baptiste, David Favre and Joseph Jackson, relative to their applications for identification as Mississippi Choctaws, in which you ask to be advised "at what time and place to appear for final enrollment."

In reply to your letter you are advised that it appears from the records of the Commission that Joseph Baptiste, his wife Felice, and four minor children, Louise, Madlina, Sammy and Johnnie Baptiste, have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

You are further advised that the cases of John Farve, et al., Seymour Farve, et al., Joseph Jackson and David Favre have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Relative to the time and place at which duly identified

J F 2

Mississippi Choctaws may appear and make proof of bona fide settlement in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress of July 1, 1902, which was 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."

Such proof of settlement may be made at the land office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

In regard to that portion of your letter relative to J. E. Arnold having secured a power of attorney to select your allotments, your attention is directed to the following section of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and Chickasaw Nations, promulgated by this Commission March 24, 1903, which reads as follows:

J F 3

"Applications to have land set apart and homesteads designated for duly identified Mississippi Choctaws must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children and if the father be dead the mother may apply. Husbands may apply for wives. Applications for orphans, insane persons and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission."

Respectfully,

Chairman.

COPY

M.C.R. 7298

Muskogee, Indian Territory, March 16, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Joe Jackson as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

J. R. Brantley

Commissioner in Charge.

Registered.

COPY.

M.C.R. 7298

Muskogee, Indian Territory, March 16, 1904.

Joe Jackson,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats, 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. MCR 7298.

COPY.

M.C.R. 7298 .

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Joe Jackson as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Joe Jackson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGN)

John L. ...

Commissioner in Charge.

Registered.

Enc. MCR7298.

Muskogee, Indian Territory, October 25, 1904.

Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged, by reference from the Secretary of the Interior, of your letter dated August 31, 1904, in which you enclose your affidavit stating that you have looked after and cared for one Joe Jackson, a Mississippi Choctaw Indian, since he has been in the Indian Territory; that you are his next friend, and, as such, beg to be advised if there is not some way by which an allotment can be selected for said Joe Jackson, as he is now and has been for some months past confined to his home on account of chronic illness.

Your affidavit is herewith returned you, as it appears from our records that proof of settlement and selection of allotment has heretofore been made at the Chickasaw Land Office in behalf of Joe Jackson.

Respectfully,

Chairman.

COPY:

M.C.R. 7298

Muskogee, Indian Territory, March 16, 1904.

Joe Jackson,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats, 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. MCR 7298.

M.C.R. 7298

Nuskogee, Indian Territory, March 16, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Joe Jackson as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. R. ...
Commissioner in Charge.

Registered.

COPY.

N.C.R. 7298

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Joe Jackson as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress Approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Joe Jackson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. MCR 7298.

See MCR 2059 for registry receipt for this letter.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Joe Jackson

Age 48. Blood full

Post Office. Ardmore, I. T.

Father: Jackson. (Che-la-tah) ^{Pl. L.}

Mother: Mary. f.b. D.

Claims through both parents.

Wife: Susan Jackson. D.

~~XXXXXXXXXX~~
(Claims for self alone)

200

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11 1/2

Choctaw MCR 7299

Truss McGee

MCR 7299

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

---o---

In the matter of the application of Truss McGee for the identification of himself, ~~and his~~ four minor children, Charlie, Johnnie, Carrie Lee, and Inez McGee, and his minor ward Josie McGee, as Mississippi Choctaws.

J. C. Lowery attorney.

Truss McGee being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Truss McGee.
 Q What is your age? A Thirty.
 Q What is your post office address? A Lenton, Indian Territory.
 Q How long have you lived there? A Two years.
 Q Born where? A Mississippi.
 Q Where? A Marshall county.
 Q How long had you live in Mississippi? A Lived there about eighteen years.
 Q Then went where? A Texas.
 Q Stayed in Texas until you went to the Territory? A Yes, sir.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A Yes, sir.
 Q What is your father's name? A Nelson McGee.
 Q What is your mother's name? A Maria.
 Q Do you claim through your father or mother? A Father.
 Q How much Choctaw blood do you claim? A I couldn't just tell you.
 Q Has he ever been recognized or 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 I have been wife is dead.
 Q You haven't married again? A No, sir.
 Q What was your wife's name? A Jennie.
 Q Was she a white woman? A No, sir.
 Q What was her blood? A Colored.
 Q And these children that you want to make application for are yours by her? A Yes, sir.
 Q What is the name of the oldest? A Charlie.
 Q How old? A Yes, Nine.
 Q The next? A Johnnie?
 Q Boy? A Yes, sir.
 Q How old? A Eight.
 Q The next? A Carrie Lee.
 Q How old is Carrie? A Six years old.
 Q The next? A Inez.
 Q How old? A Four.
 Q Any more? A That is all.
 Q What is the name of the other child? A Josie McGee.
 Q How old? A Thirteen.
 Q How much Choctaw blood do you claim for her? A Her father

was my full brother.

- Q What was her father's name? A Hugh McGee.
 Q Is he dead? A Yes, sir.
 Q What was her mother's name? A Annie.
 Q Is she dead? A Yes, sir.
 Q Which one had the Choctaw blood? A Her father.
 Q But you don't know how much? A No, sir.
 Q He was your brother? A Yes, sir.
 Q How long have you had custody of this child? A One year.
 Q And she claims her blood through her father who was you full brother? A Yes, sir.
 Q Do you intend to take care of this child? A Yes, sir.
 Q She was given to you by her mother? A Yes, sir.
 Q Is she living with you at your home? A Yes, sir.
 Q Do you know whether her father or whether your father were ever recognized by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Your father came before the Commission to be identified as a Mississippi Choctaw? A Yes, sir, about 3d of March.
 Q And this child claims through your father as her grandfather? A Yes, sir.
 Q Is your name with the names of any of these minor children on any tribal roll 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 and your children or this minor child, to either the Choctaw tribal authorities in Indian territory or 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 authorities in Indian Territory, with any of these minor children? A No, sir.
 Q Do you come before the Commission now to be identified with these children as Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen? A Yes, sir.

The article is as follows:

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

shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q 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 and these children claim your right to be identified? A My father's mother was Louisa Phelps.
- Q Who do you claim through? A Samuel McGee.
- Q What relation was Samuel to you? A My great grandfather.
- Q And Louisa Phelps would be what relation? A My grandmother.
- Q Were either your father or mother slaves at any time? A Yes, sir I have heard they were?
- Q How do you know whether Samuel McGee or Louisa Phelps or any Choctaw ancestor lived in the old Choctaw Nation east of the Mississippi River in 1830 and had a family there then? A I don't know.
- Q Did any Choctaw ancestor live on land in the old Choctaw Nation for five years and at the end of that time get a patent from the government? A I don't know.
- Q Did any Choctaw ancestor go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840, or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Only father moved to the Territory two years ago.
- Q And settled where? A Kiamitia.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and attempt to register under article fourteen of that treaty? A Not that I know of.
- Q Did any Choctaw ancestor go before a Commission in 1837 or a commission in 1842 and claim any rights under article fourteen of the treaty of 1830? A Not that I know of.

These Commissions were appointed one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842, for the purpose of hearing Mississippi Choctaw applicants who claimed they tried to register under article fourteen but had been refused the right by Colonel Ward, and because he would not allow them to register, their lands were taken from them and sold.

- Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them and sold.

7299-4

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

Thirty days time is allowed this applicant in which to introduce other proof in this case.

The case of Nelson McGee is referred to for the purpose of consolidation M.C.R. 6809.

This applicant appears to be descended from mixed ancestry shows more white blood than any other, shows also a strain of colored blood, parents were slaves at one time; he has no knowledge of any compliance on the part of any of his ancestors and no knowledge of the Choctaw language.

---202---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

M C R 7299

Muskogee, Indian Territory, April 23, 1903.

Truss McGee,

Lanton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between Truss McGee and Janie Short, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 31, 1903.

Truss McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

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 Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom W. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston W. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled 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."

T. McG. - 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);

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 7299

Muskogee, Indian Territory, March 21, 1904.

Truss McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, describing certain land which you desire to have reserved as your allotment.

In reply you are informed that on November 16, 1903, the record in the consolidated Mississippi Choctaw case of Samuel N. McGee, et al., of which your application is a part, together with the decision of the Commission refusing the applications of the several persons included in said consolidated case, was forwarded to the Secretary of the Interior.

Your request to have certain land set aside for you can not be complied with, as it is not believed at the present time that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M.C.R. 7299

Muskogee, Indian Territory, August 14, 1905.

Truss McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

a C.N.

No. 7299

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name *Tues Mc Lee*

Age 30 Blood *South Indian*

Post Office, *Linton, I. T.*

Father: *Nelson Mc Lee, l*

Mother: *Maria " l*

Claims through *father -*

Wife:

*Jessie Mc Lee (d) ~~l~~
Colon.*

Children:

- Charlie Mc Lee, 9*
- Johnnie " 8*
- Carrie Lee " 6*
- Inez " 4*

*Claims for ~~self~~
a ⁵ ~~4~~ *months**

- Jessie Mc Lee, 13, d ^{Ch.}*
- T. Hugh Mc Lee d ^{Ch.}*
- M. Annie " d*

Stenographer *Charles H. [unclear]*

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

James Mc Gee, et al.

MISSISSIPPI DEPARTMENT
OF REVENUE

W. H. PROVER,
SECRETARY OF INTERIOR

AUG 11 1907

ACTION IN ALL APPELLATE

REPORT M. C. R. 6809

Choctaw MCR 7300

John McGee

MCR 7300

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

---o---

In the matter of the application of John McGee for the identification of himself and his three minor children, Donnie B., Thomas and Daisy McGee, as Mississippi Choctaws.

J. C. Lewery attorney.

John McGee being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A John McGee.
 Q What is your age? A Twenty-eight.
 Q What is your post office address? A Lenton, Indian Territory.
 Q How long have you lived there? A Two years.
 Q Where did you live before that? A Texas and Mississippi.
 Q Where were you born? A Mississippi.
 Q Where in Mississippi? A Marshall county.
 Q Went from there to Texas? A Yes, sir.
 Q Lived there how long? A About sixteen years.
 Q Then went to the Indian Territory? A No, sir, Texas.
 Q From Texas you went to the Territory? A Yes, sir.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A Yes, sir.
 Q What is your father's name? A Nelson McGee.
 Q And your mother's name is what? A Maria.
 Q Do you claim through your father or mother? A Father.
 Q How much Choctaw blood do you claim? A I don't know.
 Q Has your father been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir, first of this month.
 Q Do you know when your father and mother were married? A No, sir.
 Q Were your parents slaves at one time? A I don't know I have only heard that they was.
 Q That is a matter of family history and tradition? A Yes, sir.
 Q Has your father ever been recognized or 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 Is your wife living? A Yes, sir.
 Q What is her color? A Negro.
 Q What is her name? A Hannah McGee.
 Q Do you make any claim for her? A No, sir.
 Q How many children have you? A Three.
 Q What is the name of the oldest? A Donnie B.
 Q How old is she? A Six years old.
 Q The next? A Thomas.
 Q How old is Thomas? A Five.
 Q The next? A Daisy.
 Q How old? A One year.
 Q You claim for yourself and these children? A Yes, sir.

- Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Is Hannah the mother of these children? A Yes, sir.
- Q Your and your wife are living together as husband and wife and these children are living with you at your home? A Yes, sir.
- Q Have you the proof of your marriage with you? A No, sir.
- Q Do you know when you were married to her and where? A In Mississippi.
- Q What part? A 25th March 1894 Franklin.
- Q Were you married by a minister under a license? A Yes, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship with your children either by the Choctaw tribal authorities in Indian Territory, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q You now want to be identified as Mississippi Choctaws with your children? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.

Article fourteen is as follows:

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

- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A I don't know.
- Q What is the name of your ancestor that you claim your right to be identified now through? A Samuel McGee and Louisa McGee.
- Q What was her name before her marriage? A Phelps.
- Q What relation was Samuel McGee to you? A Great grandfather.
- Q Was he your father's grandfather? A Yes, sir.
- Q What was your father's father's name? A Walker McGee.
- Q And Louisa Phelps who married McGee was how related to your father? A His mother.
- Q Your grandmother? A Yes, sir.

- Q This is on your father's side? A Yes, sir.
- Q How much Choctaw blood did Samuel McGee have? A I don't know.
- Q How much did Louisa Phelps have? A I don't know.
- Q Now do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830 within six months from the ratification of the treaty of 1830 and tried to register under article fourteen? A No, sir.
- Q Did any of your Choctaw ancestors live in Mississippi in 1830 and have a family there then? A Not that I know of.
- Q Did any of your ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and then get a patent from the government? 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 1836, 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors go at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent home in the Indian Territory? A My father.
- Q And he lived there now? A Yes, sir.
- Q That is Nelson McGee? A Yes, sir.
- Q He made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q And you want your case considered under his application? A Yes, sir.

The case of Nelson McGee, this applicant's father, M.C.R. 6809 is referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the commission of 1842 and claim any benefit under article fourteen of the treaty of 1830? A Not that I know of.

These commissions were appointed under various acts of Congress to hear the complaints made by Choctaw Indians that they had been refused the right to register by Colonel Ward, the agent, within six months from the ratification of the treaty and because of this refusal to allow them to register, the agents of the government took their land sold it.

- 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? A I don't know.

This scrip was issued under the act of Congress approved March August 23, 1842.

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

Thirty days time is allowed this applicant from the date hereof within which to introduce other proof in this case.

This applicant has the appearance of being descended from mixed ancestry, his white and colored blood shows, his color is

7300-4

rather light, he has black hair but not very curly; doesn't understand the Choctaw language, his parents, he understands, were slaves at one time.

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Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles W Sawyer
Notary Public.

M C R
7247 7248
7249 7300

Muskegee, Indian Territory, April 22, 1903.

Robert McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between J. A. McGee and Anna Short, offered in support of the application made by John McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between R. W. McGee and Mollie Roff, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between G. A. McGee and Ella Bird, offered in support of the application made by George McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Thomas McGee and Mary Buffington, offered in support of the application made by Thomas McGee for the identification of himself and minor children as Mississippi Choctaws.

R McG 2

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 7300.

Muskogee, Indian Territory, October 31, 1903.

John McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6783
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Issaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Streng, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

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 Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom R. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willis B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled 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. McG. - 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)

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 7300

Muskogee, Indian Territory, August 14, 1905.

John McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

MCR-7300

Muskogee, Indian Territory, March 27, 1907.

J. H. Johnson McGee,
Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, 1907, asking certain information relative to the Mississippi Choctaw case of John McGee et al.

In reply you are advised that it appears from the records of this office that John McGee is an applicant for identification as a Mississippi Choctaw in the consolidated case of Samuel Nelson McGee et al., M.C.R. 6809, in which case the Secretary of the Interior on August 3, 1905, affirmed the decision of the Commission to the Five Civilized Tribes of October 31, 1903, adverse to the applicants. This case is considered closed.

Your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date:"

Respectfully,

Acting Commissioner.

4

No. 7600

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name John McGee

Age 28 Blood Sort Known

Post Office, Lenton, I. T.

Father: Nelson McGee, I

Mother: Maria " I

Claims through father

Wife.

Hannah McGee, I. cal.

No claim for wife.

Children:

Donnie B. McGee 6

Thomas " 5

Daisy " 1

Claims for self & 3 minors

Stenographer Charles J. ...

MISSISSIPPI OCTAWAY

John M. Lee, et al.

RECEIVED DEPARTMENT

NOV 16 1903

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

AUG 1 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APRIL 28 1903

REFER TO M. C. R.

6809

Choctaw MCR 7301

Addie Cumpston

MCR 7301

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

---o---

In the matter of the application of Addie Cumpston for
identification as a Mississippi Choctaw, M.C.R. 7301.

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

	(Page)
Original application of Addie Cumpston to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the ap- plication of Addie Cumpston for identification as a Mississippi Choctaw-----	5

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Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskegee, I.T. March 24, 1903.

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In the matter of the application of Julius A. Andrews for the identification of his minor ward Addie Cumpton as a Mississippi Choctaw.

Julius A. Andrews being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Julius A. Andrews.
 Q What is your age? A Sixty-four.
 Q What is your post office address? A Chickasaha, Indian Territory.
 Q How long have you lived there? A Two and one-half years.
 Q Where were you born? A Georgia.
 Q How long did you live in Georgia? A Until twenty years old.
 Q And then you went where? A To Louisiana.
 Q From Louisiana where? A Texas.
 Q And from Texas to this Territory? A Yes, sir.
 Q How long did you live in Texas? A From '78 to three years ago.
 Q Is your father living? A No, sir.
 Q Is your mother living? A No, sir.
 Q What was your father's name Samuel R. Andrews.
 Q What was your mother's name? A Elizabeth.
 Q You are a white man? A Yes, sir.
 Q What is the name of this child? A Addie Cumpton.
 Q How old is she? A Ten.
 Q How long have you had the care of this child? A Since '94.
 Q What was the name of the father of this child? A Elias Cumpton
 Q Is he dead? A Yes, sir.
 Q And the mother? A Annie.
 Q Is she dead? A Yes, sir.
 Q Were her father or mother related to you? A None at all.
 Q How do you happen to have the custody of her? A After her mother died my wife took her.
 Q You intend to keep her until she is able to take care of herself?
 A Yes, sir.
 Q And you make this application in order to protect her interests?
 A I do.
 Q She claims her Choctaw blood through which parent father or mother? A Mother, full blood Choctaw.
 Q So you claim she is one-half Choctaw? A Yes, sir.
 Q Did you know her father and mother? A I did.
 Q Was her father a Whiteman and her mother a full blood, and you claim she is one-half blood? A Yes, sir.
 Q Do you know whether her mother has ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A None that I know of.

- Q Is her name on any tribal roll of the Choctaw Nation? A No, sir.
- Q Has application ever been made for her for citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States authorities in Indian Territory? A No, sir, only to the Dawes Commission.
- Q When? A January 1892.
- Q What was done with that application? A she was not admitted.
- Q Then she is not on any roll of the Choctaw Nation in Indian Territory and hasn't been admitted to citizenship either by the Dawes Commission or any other authority? A No, sir.
- Q Has application ever been made for her for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q You come before the Commission now to identify her as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.

Article fourteen is as follows:

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

- Q What is the name of the ancestor of this child through whom you come to make claim for her today to be identified as a Mississippi Choctaw? A Grandfather Mobeetubbee.
- Q That was her grandfather? A Yes, sir.
- Q And her father's name was Elias Gumption? A Yes, sir.
- Q Her mother's name was Annie? A Yes, sir.
- Q Did she have an Indian name? A Yes, sir.
- Q What was her Indian name? A Phoncheetubbe.
- Q Did her mother speak Choctaw? A Yes, sir.
- Q Did you know it well enough to tell it was Choctaw? A Yes, sir.
- Q How old would her mother be if living now? A I don't know - she came out in 1857 and she was about four years old.
- Q How old would her grandfather be if living now? A I don't know.
- Q Did he live in Mississippi? A Yes, sir.
- Q Did you know him there? A No, sir get the information from the father and mother of this girl.

- Q What you know is history and traditon handed down in her family?
A Yes, sir.
- Q Do you know whether Mobeestubbee lived in Mississippi in 1830 and had a family there then? A I don't know.
- Q Did she or any of her ancestors go to Colonel Ward within six months after the ratification of the treaty and register or attempt to register? A I don't know.
- Q Did any of the choctaw ancestors of this child live on land in the old choctaw Nation for five years after the treaty was ratified and then get a patent from the government for that land? A The grandmother lived there but I don't know whether she got a patent or not? X
- Q Did she live on land which she claimed as an Indian? A Yes, sir.
- Q You get the information through the father and mother of this child? A Yes, sir.
- Q Did you ever hear whether any Choctaw ancestor of this child went from the Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory at any time between the ratification of the treaty and the date of this application made by you today? A None except the grandmother.
- Q When did they come? A 1857.
- Q Where did they settle? A Near Little River, in the Choctaw Nation.
- Q That was the first time you knew them? A I don't know them, they told me that when they gave me this child.
- Q Did any Choctaw ancestor of this child own any improvement on land in 1830? A I don't know.
- Q Did any choctaw ancestor of this child go before the Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not that I am aware of.

These Commissions, ~~xxxx~~ one appointed by an act of Congress approved March 3, of that year and the other by an act approved August 23d of that year, for the purpose of hearing Choctaw Indian claimants who proved that they had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but had been refused the right as by Colonel Ward, and because he had refused to allow them to register these Indians had their lands taken from them and sold.

- Q Did any choctaw ancestor of this child receive any scrip from the government which entitled him to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I am aware.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved their lands had been taken from them in the old Choctaw Nation and sold at the public land sales of the government.

- Q Does the girl speak Choctaw? A No, sir.

Thirty days time is allowed in this case for the introduction of other proof in this case.

7301-4

Q Are there any instruments or documents that you want to introduce in this case? A No, sir.

This applicant has the appearance of being in part Indian, it is claimed for her that it is Choctaw, she has very dark brown hair her hair is not black but abundant coarse and straight, her complexion is dark, her complexion is that of one partly white and part Indian, and there is no suggestion of any other race in her make up except white and Indian; she doesn't understand the Choctaw language.

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Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory March 24, 25 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

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

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In the matter of the application of Addie Cumpten, for identification as a Mississippi Choctaw, M.C.R. 7301.

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

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Julius A. Andrews for his minor ward, Addie Cumpten, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

ant of Mobeetubbee, 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 said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this 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 Mobeetubbee 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 Addie Cumpston, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eight-

teen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dinky.

COMMISSIONER.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 24 1903

M C H 7301

Muskegee, Indian Territory, April 28, 1903.

J. A. Andrews,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask that thirty days additional time be allowed in the Mississippi Chestnut case of Addie Crompton.

In compliance with your request, the applicant in this case is hereby granted a continuance of thirty days from this date within which to offer further evidence in support of her claim.

Respectfully,

Chairman.

COPY

M.C.R. 7301.

Muskogee, Indian Territory, October 24, 1903.

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

Gentlemen:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Addie Cumpston, an applicant for identification as a Mississippi Choctaw.

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Addie Cumpston, 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 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, October 24, 1903.

Julius A. Andrews,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Addie Cumpton, an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

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

J.A.A.--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)

T. B. Needles.

Commissioner in Charge.

Registered.

OPY!

Muskogee, Indian Territory, November 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Addie Cumpston, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 24, 1903.

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

Respectfully,

T. B. Hadden
Commissioner in Charge

Through the

Commissioner of Indian Affairs.

2 Enc. MCR 7301.

Muskogee, Indian Territory, November 27, 1903.

Julius A. Andrews,
Chickasha, Indian Territory.

Dear Sir:

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 Addie Compton as a Mississippi Choctaw. In your letter you state "I respectfully ask that ample time be allowed me to endeavor to get up satisfactory evidence in behalf of Addie Compton to be submitted through the Commission to the Secretary of the Interior." You further state that you intend to take this matter up with the Interior Department as soon as practicable.

In reply you are informed that on November 9, 1903, the record in this 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 any further evidence in support of this claim.

Relative to your taking this matter up with the Department, you are advised that petitions for re-hearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or

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accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Motions for rehearings are granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicant can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records

J A A S

of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicant's ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Respectfully,

Chairman.

(COPY)

WCF
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DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 17, 1903.

D.C. 35068-1903.
ITD. 8774-1903.
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 9, 1903, you transmitted the record in the case of Addie Cuppton, an applicant for identification as a Mississippi Choctaw, including your decision of October 24, 1903, refusing to identify her as such.

It is claimed that the applicant is a descendant of Mobeetubbee, through his daughter Annie, or Phon-ah-ee-tubbee, mother of the applicant, it being alleged that said ancestors were Choctaw Indians. It is also claimed that Mobeetubbee owned land in Mississippi, but the witness is unable to state how said land was obtained.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that either of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter December 11, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 11, 1903.

Land:
73500-1903.

The Honorable

The Secretary of the Interior.

Sir:-

I have the honor to submit for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw, by Julius A. Andrews for his minor ward Addie Gumption, wherein a decision rejecting her was entered by the Commission on October 24, 1903.

The record in this case shows that the claims of the applicant are based on her descent from Mobeetubbee, through his daughter Annie, or Phon-chee-tubbee, who was the wife of Elias Gumption. The testimony is given by Julius A. Andrews. It is claimed that Mobeetubbee was a Choctaw Indian, but as to whether he was the head of a family in 1830 and a resident of the Choctaw Nation in Mississippi at that time, or complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of that year, he is unable to state.

It is claimed that Mobeetubbee owned land in Mississippi but as to how he obtained it, the witness is unable to state.

The name of Phon-ohce-tubbee, which is given as the Indian name of Annie, daughter of Mobeetubbee, must be erroneous as that name is a male and not a female name.

An examination of the records of this office has been with reference to the names of Mobeetubbee, Annie Mobeetubbee, and Phon-ohce-tubbee, and it is ascertained that none of these names appear among the names of those persons who complied, or attempted to comply with the provisions of the 14th article of the Choctaw Treaty, and I am therefore of the opinion that the decision of the Commission rejecting the applicant should be approved, and I so recommend.

Very respectfully,

W. A. Jones.
Commissioner.

E.B.H. (B)

M. C. R. 7501.

COPY.

Muskogee, Indian Territory, December 29, 1903.

Julius A. Andrews,

Chickasaw, Indian Territory.

Dear Sir:-

You are hereby notified that on the 17th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Addie Crompton, of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

Tame Dixie

Chairman.

M. C. R. 7301.

COPY.

Muskogee, Indian Territory, December 29, 1905.

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

Gentlemen:

You are hereby notified that on the 17th day of December, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Addie Gumpston for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 24th day of October, 1905.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

C

No. 7301.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Date _____
Name *Julius A. Andrews* ^{White}
claim for minor child -
Age *64* Blood _____

Post Office, *Chickasha, I. T.*

Father: *Samuel R* *d*

Mother: *Eliaset* *d*

Claims through

father of child
Elias (Cumpton, 'd')
mother " ("free) (d)
Aunty " ("free) (d)

Children:

~~To~~ *1/2 choct.*
Addie Cumpton, 10. ~~To~~

Claim for minor ward

Stenographer *Charles H. [unclear]*

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Addie Burnston

1.

D

WORK.

ELAGICAL

AND

ON

FOR CHOCTAW

ONS.

Choctaw MCR 7302

Florence L. Clemens

MCR 7302

188851P

Florence L. Clemens, et al.

DECISION RENDERED

JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR.

FEB 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS.

FEB 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 11 1905

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

---o---

In the matter of the application of Florence L. Clemens, et al., for identification as Mississippi Choctaws, M.C.R. 7302.

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Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Florence L. Clemens for the identification of herself and her four minor children Glenn, Lovell, Boy and Charles Clemens, as Mississippi Choctaws.

James Givens attorney for applicant.

Florence L. Clemens being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Florence L. Clemens.
 Q What is your age? A Forty.
 Q What is your post office address? A Kersey, Indiana.
 Q How long have you lived there? A Four years.
 Q Where were you born? A Kankakee county Illinois.
 Q Is your mother living? A Yes, sir.
 Q Is your father living? A No, sir.
 Q What was your father's name? A David Love.
 Q What is your mother's name? A Martha Love.
 Q Do you claim through your father or mother? A Father and mother both.
 Q How much Choctaw blood do you claim? A I don't know.
 Q Have your parents been recognized or enrolled as Choctaw Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his race? A White.
 Q What is his name? A George W. Clemens.
 Q You make no claim for him? A No, sir.
 Q How many children have you? A Four.
 Q Give the names? A Glenn.
 Q How old is he? A Thirteen.
 Q The next? A Lovell.
 Q How old? A Eleven.
 Q The next? A Boy.
 Q How old? A five.
 Q The next? A Charles.
 Q How old? A Three.
 Q Is that all? A Yes, sir.
 Q Is your husband George W. Clemens the father of these minor children? A Yes, sir.
 Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes, sir.
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No, sir.
- Q Is this your first application for citizenship in the Choctaw Nation for yourself and children? A Yes, sir.
- Q Never have been admitted by any authority whatever? A No, sir.
- Q Do you make claim to be identified, with your children, as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.

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 ~~the~~ ten 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 fourteen of the treaty of 1830 under which you are making your claim today.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I have been told they did.
- Q Give the name of this ancestor? A Charles, John and William Harper.
- Q You can't be descended from three persons? A Charles Harper.
- Q What relation was he to you? A That is what I don't know.
- Q Can you give the name of any grandfather or grandmother or great grandfather who lived in Mississippi in 1830 and who had a family there at that time? A Yes, sir.
- Q Who is it? A Charles Harper.
- Q What relation is he to you? A My great grandmother was a Harper.
- Q Well Charles Harper couldn't have been your great grandmother? A No, sir.
- Q What was her name? A I don't know.
- Q What relation was Charles Harper to you? A I don't know.
- Q Can you give the name of any Choctaw ancestor that had Choctaw blood that you are descended from? 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 at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I think so.

- Q Who went to the Choctaw Nation Indian Territory and when? A I didn't understand.
- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent or deed from the government to the land under article fourteen of the treaty of 1830? A I have been informed that they were in Mississippi.
- Q I asked you if they ever got a patent for land? A I don't know.
- Q Did any of your Choctaw ancestors go before Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen? A My grandmother or mother's father.
- Q What was her name? A Nellie Dyer.
- Q Grandmother or mother's father? A Yes, sir.
- Q Now how much Choctaw blood did she have? A I don't know that either.
- Q Well how do you know she had any? A I have been told she owned land in Mississippi.
- Q Did she get that land from the government? A Yes, sir.
- Q When and how did she get it? A I don't know.
- Q How do you know she got it from the government? A That is what I have heard.
- Q Did she live in Mississippi and have a family there then? A Yes, sir.
- Q Did she go to Colonel Ward and try to register under article 14? A I think she registered my grandfather her son is.
- Q Do you claim her name is on Ward's registry list? A I think so.
- Q How many children did she have in 1830? A She was married twice and were two sets of children.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or before a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A Yes, sir.
- Q Before which commission did they go and who went? A Nellie Dyer.
- Q Before which commission 1837 or 1842? A I don't know.

These commissions were appointed by various acts of Congress one in 1837 by an act approved March 3 of that year and the other by an act of August 23, 1842 for the purpose of hearing Choctaw Indians who claimed that they had registered or attempted to register under article fourteen but had been refused by Colonel Ward and as a result their lands had afterwards been taken from them and sold.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select any land in Mississippi Alabama, Louisiana or Arkansas? A I think so.
- Q Now your testimony has been first that Nellie Dyer registered under Colonel Ward under article fourteen, you have also testified that some of your ancestors went before a commission in 1837 or 1842 you don't know which, and you now testify that some received scrip from the government, it is rather inconsistent. Now do you know anything about it? A That is what I have been told.
- Q And you only know what you have been told? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case if she so desires.

By attorney:

- Q You stated that the Nellie Dyer from whom you claim was an applicant to Colonel Ward under the treaty of 1830? A Yes, sir.
- Q Are you sure whether or not Nellie Dyer made any claim under these other acts? A No, sir.
- Q You rest your claim upon the treaty of 1830? then, any other? A A No, sir.
- Q Now then you say Nellie Dyer, your ancestor, was married twice? A Yes, sir.
- Q Out of which marriage do you claim? A Second.
- Q What is the name of the child of Nellie Dyer by this second marriage through whom you claim? A Edward or Jeremiah or both.
- Q Do you remember of hearing in your family the name of Jeremiah or Edward's sister? A Pop.
- Q Do you think that was a corruption of some other name? A Yes, sir.
- Q What other name do you think it was? A Polly or Mary.
- Q Now which of the children of Jeremiah or Edward, or Edward Jeremiah do you claim? A Martha his daughter.
- Q What relative to you is Martha Dyer? A My mother.
- Q When and where was Martha Dyer married? A Kankakee county Ill.
- Q And it is of that marriage you claim? A Yes, sir.
- Q You also stated here that you claim through one Charles Harper who either enrolled or attempted to enroll as a Mississippi Choctaw under the treaty of 1830, now do you claim that your ancestor, child of Charles Harper, was a man or woman? A Lady.
- Q You are not sure what her name was? A No, sir, I think they called her a pet name.
- Q Did some David Love marry a Harper woman? A Yes, sir.
- Q What is the name of the child of David Love that you claim through? A His son David Love Jr.
- Q And this David Love Jr., was the man who married Dyer? A Yes, sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A I think so.
- Q Is it down in the records of your family that these ancestors lived in the Choctaw Nation? A Yes, sir.
- Q Now is it a fact that some held scrip? A I think Martha Dyer my mother said her folks held some.
- Q Which one of your relatives when he got mad at the children use to damn them as Choctaws? A Father.

By Commission:

This applicant has the physical appearance of being descended from white parentage, has black hair, gray eyes, complexion is medium dark; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors further than is based on family history and tradition.

Chas. Diefendaffer, being first duly sworn, states that as

7302-5

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 22 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffsaffer

Subscribed and sworn to before me this 13th day of April, 1903.

Charles Ketaoyn

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
TERRITORY, INDIAN TERRITORY
FEBRUARY 1, 1904.

In the matter of the application of Florence L. Clemens for the identification of herself and four minor children, Glenn, Lovell, Boy and Charles Clemens, as Mississippi Choctaws.

APPEARANCES:

G. Rosenwinkle, appearing on behalf of Mansfield, McMurray & Cornish, attorneys for the Choctaw, Chickasaw Nations, and Charles von Weise on behalf of George P. Hills, attorney for applicants.

Josiah Brown, being duly sworn, testifies on behalf of the Choctaw and Chickasaw Nations as follows:

DIRECT EXAMINATION BY MR. ROSENWINKLE:

- Q Give your full name, Mr. Brown? A Josiah Brown.
Q How old are you? A Sixty-nine years old.
Q Are you a citizen of the Choctaw or Chickasaw Tribe of Indians?
A Chickasaw.
Q How long have you resided in the Choctaw and Chickasaw Nations?
A I came here in '49; I came to Ft. Smith in '45.
Q Were you ever acquainted with Lucinda Dyer? A I am slightly acquainted with her all my life.
Q Did you know Jeremiah or Jerry Dyer? A I knew him a short time before he died.
Q What relationship, if any, existed between Lucinda and Jeremiah Dyer? A I don't know.
Q I will ask you to state where you know these people? A Here on the Washita River. I have heard of them all my life; they were residing here; all their relations are here yet.
Q What became of Jerry Dyer? A He was killed.
Q Where? A In the Arbuckle Mountains. He was killed in 1850.
Q By whom was he killed? A Pickens.
Q What Pickens? A Dave Pickens.
Q At the time of the killing, were you present or nearby? A No, I lived at the mouth of the Washita River.
Q Who did Lucinda Dyer marry? A I think she married Bynum.
Q Do you know any of their children? A I know all of them. Mrs. Harkins--
Q When you say Mrs. Harkins, you mean Mrs. G. W. Harkins, who lives at Milburn? A Yes sir.
Q Did you ever know Delilah Dyer? A ~~Yes~~ I have heard of her.
Q I will ask you this question: Do you know whether or not Jerry Dyer was married? A No sir.
Q Did you ever know of any children of his? A No, but I think Mrs. Rennie over here could answer this question.
Q Did you know Jerry Dyer personally, yourself? A Yes.
Q Did you ever know him by any other name beside Jerry? A No sir.

EXAMINATION BY MR. VON WEISE:

- Q Do you know that the Jerry Dyer that you are testifying about is the son of Nellie Dyer? A I have heard that he was, but I couldn't swear to it.
Q Did you know any of his brothers and sisters? A No sir, never knew any of them except him.
Q You don't know whether he was married or not, do you? A No sir.

- Q Then you don't know that he married in 1884, at the age of nineteen years, do you? A No.
- Q When was the first time you became acquainted with him, Mr. Brown?
- A In '49. I was young then. I don't recollect much about it; I know he lived up there and was killed up there.
- Q Do you know where he was born? A No sir.
- Q Do you know whether the Jerry Dyer you are testifying about was ever known by the name of Ed Dyer? A No sir, never heard any such name for him.
- Q He might have been known as that and you not know it? A I don't think he was.
- Q Well, I say, he might have been known as Ed Duer and you not know it? A I think I would have known something about it; I never heard nothing about it.
- Q Did you ever know any other Dyers at that time in this section of the country? A I knew a man, a white man named Dyer.
- Q I mean Indians? A No
- Q This man Dyer that you testify about, what was his nationality?
- A He was a Chickasaw, supposed to be.
- Q Never claimed to be a Choctaw? A I don't know that he did; they are mixed sometimes, lots of them.
- Q You say he was known as a Chickasaw? A He might have had Choctaw blood in him.
- Q Was he a fullblood Chickasaw? A Very near it. I have a record of his actions among the Chickasaw people away back in the forties at my house.
- Q You have a record of the factions, you say? A I worked under the Chickasaw Government ever since '55, when it was founded here.
- Q This Jerry Dyer was a Chickasaw? A He was known as one.

BY MR. ROSENWINKLE:

- Q You say that Jerry Dyer was a Chickasaw? Don't you know, as a matter of family history, that all these people are both Choctaws and Chickasaws? From your knowledge of the public affairs of the two Nations, don't you know that they have drawn money in both Nations?

MR VON WEISE: We object to where they drew their money.

BY MR. VON WEISE:

- Q You say that Nellie Dyer was a Chickasaw? A I don't know for certain. I don't know who is Chickasaws and who are Choctaws.
- Q Were you acquainted with the Nellie Dyer that you know, is she the same one that immigrated from Mississippi in 1830, or shortly thereafter? A I think so.
- Q Do you know it? A No sir.
- Q You never heard of the Jerry Dyer that you speak of as being a Choctaw; he was always recognized as a Chickasaw? A Yes sir.

BY MR. ROSENWINKLE:

- Q At the time you speak of, all this country was a part of the Choctaw Nation, was it not? A Choctaw Nation, Chickasaw district
- Q What relation, if any, did Edward Leader bear to these people?
- A It is hard to tell.
- Q Just state if you know or not? A I have known him all his life. I think he claims to be a Chickasaw and Choctaw both.

BY MR. VON WEISE:

- Q What position did the Jerry Dyer that you speak of hold in the Chickasaw Nation? A I don't recollect. I can find out. I have got it down here on record; it was a light office. There wasn't much importance attached to offices them days.

BY THE COMMISSION:

- Q How long were you acquainted with the Jerry Dyer that was here in the Chickasaw Nation? A I became acquainted with him in '49 and he died in 1850.
- Q Do you know whether he had any brothers and sisters in the Chickasaw Nation? A No sir.
- Q Do you know that this man was the son of Nellie Dyer? A No sir.
- Q Have you heard of such a thing? A No.
- Q You never did establish any relationship between Edward Dyer and Jerry Dyer? A No sir.
- Q You stated you were acquainted with a Chickasaw by the name of Lucinda Dyer? A Yes sir; I took her to be a Chickasaw. She was raised here.
- Q Did you know that there was any relationship existing between Lucinda and Jerry? A No sir. That could be established here, though. I wasn't personally acquainted with any of them. Lucinda Dyer lived out here on Blue.
- Q Did you ever hear where Jerry resided previous to his residence in the Chickasaw Nation? A No sir.
- Q Did Nellie Dyer come from Mississippi to the Chickasaw Nation? A I think so.
- Q What year? A They claimed they come out here as Chickasaws; that was before I was born. I couldn't tell whether they come or not. When I come here in 1849, I found these people here and they were said to be members of the Chickasaw Tribes; the monument here is such. They are some of them here yet.
- Q Did you have a sufficient acquaintance with this Jerry Dyer to have a conversation with him? A Yes sir. I have met him lots of times; we would camp together sometimes for two weeks at a time.
- Q Do you know whether he spoke Choctaw or Chickasaw? A No, I don't. If he speaks one, though, he speaks both; he talked mostly English to me.
- Q What is the personal appearance of this Jerry Dyer? A It has been so long I couldn't tell. He is a very nice looking man, though. It has been a number of years since he was killed.
- Q You knew him in 1849? A Yes sir.
- Q Describe his personal appearance as you remember it, if you recollect? A No sir, I don't.
- Q How old a man was he at that time, would you judge? A I don't know. I paid no attention. I couldn't form any idea, nor wouldn't like to do it; I was simply a boy.

BY MR. ROSENWINKLE:

- Q Just state from your best judgment; was he an old or a young man? A He was a young man.
- Q Mr. Brown, you say you were acquainted with Jerry Dyer; you knew him personally? A Yes sir.
- Q You were acquainted with Lucinda Dyer also? A Yes sir.
- Q What was the general understanding the in the community where they lived what relationship they bore to each other? A I think they were brothers and sisters; I don't know. Mrs. Rennie is, I think, kin to them, and she don't know. Mrs. Rennie's mother lived right among them. She can tell you all about that.
- Q Is she living? A Yes sir.
- Q What is her name? A Adeline Bond
- Q Where does she live? A At Chickasha. They got burned out up there a while back and I don't know where they are now. No, she lived at Minco, up close to Chickasha.

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BY MR. VON WEISE:

- Q I understand you to state that Nellie Dyer came here before you were born? A I don't know whether she did or not.
- Q I thought you stated--- A If she come when those other people did, she come before I was born.; some come right here and left some in Mississippi.

BY THE COMMISSION:

- Q Do you know whether Jerry Dyer was married at the time he resided here? A No sir.

Witness excused.

MR. ROSEWINKLE: The Choctaw and Chickasaw Nations object to the introduction of the following affidavits and their consideration by the Commission, on the ground that they are ex parte affidavits and taken without notice to the Choctaw and Chickasaw Nations:

Affidavits of Charles Fillmore, Jerred Benjamin, A. Cicero Pentecost, J. B. Clemens, David Mowles, Lodence Clark, Charles A. Clark and Florence L. Clemens, and to this affidavit we enter a special objection, because it purports to be the application of the parties. The rules of the Commission require the application to be made in person; James N. Moore and Jasper B. Cleaves.

As to the testimony contained in the depositions on file in this case, we object to that part of the deposition which does not bear on the essential issues in this case, such essential issues being that it is incumbent upon the applicant to show by conclusive testimony that they are the descendants of a Chickasaw Indian who complied with the provisions of Article 14 of the Treaty of 1830.

As to certain papers purporting to be copies of deeds and a judgment, the Nations object on the ground that they are not material to the issues involved in this case, and should not be considered in the determination of these issues.

MR. VON WEISE: The applicants desire, through their attorney, to state that the affidavits filed in support of their application were filed because it has heretofore been the ruling of the Commission that ex parte affidavits be accepted by said Commission from applicants for identification as Mississippi Choctaws, and having been received by the Commission, are to be considered as evidence in their application.

Regarding depositions objected to, by attorneys for the Nation, applicants desire to state that in accordance with the rules and regulations as prescribed by the Commission to the Five Civilized Tribes in the taking and submission of depositions in Mississippi Choctaw cases, notice was served upon the attorneys for the Choctaw and Chickasaw Nations that such depositions would be taken and at the time of serving said notices, said attorneys for the Choctaw and Chickasaw Nations were also served with a copy of the interrogatories to be propounded by the applicants, and according to the aforesaid rules and regulations, if the attorneys for the Choctaw and Chickasaw Nations had a prescribed time in which to file cross-interrogatories; that having failed so to do, the Commission, of its own accord, filed cross-interrogatories, which, according to the records herein submitted, were propounded to the witnesses. That Nations having regarded the interrogatories submitted by the applicants as being of little importance heretofore, cannot now object to the introduction of any portion thereof

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Applicants further state that the deeds and transcript of certain judgment filed by them and objected to by the attorneys for the Nation, on the ground that they are immaterial, were filed for the purpose of showing that the ancestor from whom these applicants claim was known as Edward Dyer, and is the identical person mentioned in the records of these persons who complied with Article 14 of the Treaty of Dancing Rabbit Creek and therein mentioned as Jeremiah Dyer.

ADJOURNED.

The taking of further testimony in this cause is hereby continued until February 2, 1904.

February 2, 1904.

JOSEPH BYNUM.

Joseph Bynum, a witness on behalf of the Nations, being duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. ROSENWINKLE:

- Q State your full name, Mr. Bynum? A Joseph Bynum.
Q What is your age? A Forty-nine years old.
Q Where do you reside? A I live eight mile northeast of here.
Q Are you a citizen by blood of either the Choctaw or Chickasaw Nation? A By both Choctaw and Chickasaw, always claimed to be.
Q What was the name of your mother, Mr. Bynum? A Lucinda Bynum.
Q What was her maiden name? A Dyer.
Q What was the name of Lucinda Dyer's mother? A Nellie Dyer.
Q Do you know whether or not Lucinda Dyer had a brother? A I think she had a brother by the name of Jerry Dyer.
Q Where did Jerry Dyer and Lucinda Dyer and Nellie Dyer all live so far as you know, if you get it from your personal knowledge or the history of the family? A My mother lived down near Kmet, when I was born, and my first recollection of where Nellie Dyer lived was near this place somewhere.
Q Where did Nellie Dyer die? A She died up here about fifteen miles west of Stonewall.
Q About when did she die? A In '68 or '9.
Q Where did Jerry Dyer die? A I don't remember. I couldn't tell you.
Q As you get it from your family? A I think it must have been around Tishomingo here.
Q With reference to the Indian Territory, or some other state or country? A Tishomingo, I think, Indian Territory.
Q Do you know about when he died; have you any idea about that?
A No sir.
Q What circumstances about his death that you remember anything about? How did he die? A I don't think I remember anything about it.
Q What did you hear with reference to his being killed or anything about it? A I don't remember that I ever did.

CROSS EXAMINATION BY MR. VOE WEISE:

- Q You say your mother was Lucinda Dyer and grand-mother Nellie Dyer?
A Yes sir.
Q Were you intimately acquainted with your grand-mother, Nellie Dyer?
A Yes sir.
Q Do you know what her maiden name was? A Prudence, I think.
Q Are you certain of that? A I think I am.
Q What was her blood? A She was Choctaw and Chickasaw blood, I think; that is what

- Q How much Choctaw blood did she claim to possess? A I couldn't tell you.
- Q How much Chickasaw? A I don't know.
- Q How much Indian blood? A She was very near a fullblood.
- Q Was she copper colored? A She was tolerable light, my grand-mother was.
- Q She claimed to be very near a fullblood? A I think so.
- Q Do you know how many children she had? A No sir.
- Q Do you know how many times she was married? A No sir.
- Q Was your grand-mother ever in this country? A I don't know.
- Q You say you never heard of Jerry Dyer being killed? A No sir. If I did, I forgot all about it.
- Q How old was your mother when you were born? A I don't know.
- Q When she died, how old was she and when did she die? A I expect she was seventy-some-odd years old.
- Q When did she die? A In March, '92.
- Q Was she over seventy or under seventy when she died? A I couldn't say.
- Q Never heard your mother say how old she was? A No sir.
- Q Did you ever know any of Lucinda Dyer's brothers and sisters besides Jerry? A I knew a half-sister.
- Q What was the half-sister's name? A Her name was---Oh, I forget her name now. It seems to me like it was Zila Gilbert.
- Q Do you know what her maiden name was? Was Zila older or younger than your mother? A I think she was the oldest.
- Q How much older than your mother? A I don't know.
- Q You testified awhile ago as to the ~~the~~ family history; do you know from family history? A The reason I think she was older, she had older children than my mother did.
- Q Did she look older? A Yes sir.
- Q Very much older? A No sir.
- Q Do you know whether it was considered in your mother's family--whether this Zila was considered older than your mother? A No.
- Q Was this woman married to a man by the name of Colbert? A Yes.
- Q What was her name before she married Colbert? A I can't think of it now. They were half-sisters. I can't think of her father's name.
- Q Was her name Zila Smith? A No, it wasn't Smith.
- Q Zila Clark? A No sir.
- Q Zila Oxberry? A Yes, that is it.
- Q You are certain of that? A That is what I have heard.
- Q Did you hear her say her name was that? A I heard my sister, Mrs. Harkins.
- Q Is your sister older than you are? A Yes sir, she is a good deal older.
- Q Did you ever hear your grand-mother say where she came from? A From Mississippi, I think.
- Q Did you ever hear her say it? A No sir.
- Q Did you ever hear her say how many children she brought with her from Mississippi? A No sir.
- Q How intimately were you acquainted with Jerry Dyer? A I don't know that I ever saw him.
- Q Never knew whether he was known as Ed Dyer at times or not? A No.
- Q Did you ever hear him called Ed? A No sir.
- Q How far did you live from where he lived? A I don't know.
- Q You didn't testify that in the community in which he was known he wasn't known as Ed? A No sir.
- Q Do you know whether your grand-mother, Nellie Dyer, and her family came direct from Mississippi here or whether they went to some other state first? A I think they must have come directly.
- Q ~~Can~~ do you know whether the whole family came together? A No sir.
- Q You don't know whether Jerry Dyer came with his mother, Nellie, or not, when they came from Mississippi? A No sir.
- Q He might have come to Indiana first? A He might have, yes sir.
- Q You never heard anything in regard to the time or as to when Jerry Dyer was born, did you? A No sir.

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Q Or how old he was when he died? A No sir.

BY MR. ROSENWINKLE:

Q Do you know whether or not Jerry Dyer was older or younger than Lucinda? A No sir, I don't know whether he was or not.

Q Did you ever hear of Jerry Dyer, or any of the Dyer's, being in the state of Indiana? A No sir.

Q Did you ever hear whether or not Jerry Dyer was married? A No, sir. I know he had one son here.

BY THE COMMISSION:

Q What was his name? A Frank Dyer.

BY MR. ROSENWINKLE:

Q Where does he live? A He is dead. He died when he was a young man.

Q Are you certain about that? A Yes sir; my mother said it was his son.

Q What do you know about his wife? A I don't know.

Q Do you know whether he was a child of a legitimate wife or not?

A No sir.

BY THE COMMISSION:

Q Will your sister be able to give testimony about that? A Yes.

BY MR. ROSENWINKLE:

Q You were quite young when you left your mother, were you not?

A Yes sir.

BY MR. VON WEISE:

Q You are a man of some family pride, aren't you? A Yes sir, I have seven children myself.

Q I mean, you have some regard as to whether a child is legitimate; you wouldn't keep a picture of an illegitimate child in the parlor

A No sir.

Q You understood that the time that this was a son of a legitimate marriage? A Yes sir.

BY THE COMMISSION:

Q Did you ever hear of George Oxberry? A No sir, don't know that I did; I might have heard of him, too.

Q Do you know how many children Nellie Dyer had? A No sir.

Q At what time ~~you~~ do you understand that Nellie Dyer immigrated from Mississippi to the Indian Territory? A I don't know.

Q Never did hear? A ~~Never~~ I have heard my mother talk about them coming.

Witness Examined.

MARY HARKINS.

Mary Harkins, a witness on behalf of the Nations, being duly sworn testifies as follows:

EXAMINATION BY MR. ROSENWINKLE:

Q State your name? A Mary Harkins.

- Q Where do you reside? A Emet.
- Q How old are you? A Fifty-five.
- Q Are you a citizen by blood of either or both of the Choctaw and Chickasaw Nations? A Yes sir, both.
- Q What was the name of your mother, Mrs. Harkins? A Before she was married?
- Q Yes? A Dyer, and then she married a Bynum.
- Q Give her full name? A Lucinda.
- Q Her maiden name was Lucinda Dyer? A Yes sir.
- Q What was the name of the mother of Lucinda Dyer? A Nellie.
- Q Nellie what? A Nellie Dyer.
- Q Do you know the name of Nellie Dyer's mother? A I am not positive whether it was Mollie-- I think it was Mollie Perry.
- Q What brothers and sisters did Lucinda Dyer have? A My grandmother was married twice. Her first husband was Oxberry, and the second husband was a Perry. There was three girls and one boy. I never knew but two girls.
- Q Did you know any of the children by the first marriage? A No. I never saw any only an aunt. She was Zila Oxberry and married a Colbert.
- Q What do you know by family history what the other Oxberry children's names were? A James and Palace and Silas. I never did see any of them. I don't think but one come to this country.
- Q Give the names of the Perry children? A Polly and Mollie, but I never seen her, and my mother was Lucinda, and Jerry.
- Q Jerry was the youngest? A No sir, I think my mother was the youngest.
- Q Did you know Nellie Dyer personally? A Yes sir. She died after I was married.
- Q About when was that? A Along about '67 or '68, I think.
- Q Where was she residing at that time? A She would stay awhile with my mother and then her other daughter, and she died up there about Stonewall and is buried up there now.
- Q Where did you know Jerry Dyer? A I never saw him.
- Q What did you know about where Jerry Dyer lived? A I don't know.
- Q What do you know from family history? A I have heard my mother say he was killed.
- Q Where was he killed? A I don't know.
- Q What do you know, with reference to the Indian Territory, or some other locality? A I don't know. I was too young to remember anything.
- Q What did you ever hear your mother say, if anything, with reference to her removal from Mississippi to this country? A I never heard her say, and I never asked her anything about it.

BY THE COMMISSION:

- Q Did she come here with all her children? A My mother?
- Q No; grand-mother. A I don't know whether the Oxberry children all came to the Territory or not.
- Q Did all the children of Perry come here? A Yes sir, I think all of them came. As far as I know, Jerry had one child and I don't know who his wife was or anything about it, and that boy has been dead several years ago.

BY MR. ROSINWINKLE:

- Q Do you remember who killed Jerry Dyer? A A man by the name of Edmund Pickens.

BY MR. VON WRISE:

- Q You say you were never personally acquainted with Jerry Dyer?

- A No sir.
- Q You don't know whether he was married or not? A No sir.
- Q You don't know whether he came here direct from Mississippi with his mother or not? A No sir.
- Q You don't know whether Jerry Dyer ever lived in Indiana before coming to Indian Territory or not? A No sir. I don't think they ever lived there.
- Q You don't know it? A No sir.
- Q You don't know whether he had any other children beside the boy you speak of being dead? A No sir.
- Q You don't know whether he was ever known as Edward Dyer, do you?
- X He might have been known by that name and you not know it? A I never knew much of him.
- Q But in the community in which he lived, he might have been known as Edward and you not know it? A Yes sir.
- Q In regard to the brothers and sisters of your mother, in other words, your uncles and aunts, you say there was a Mollie Dyer and a Polly Dyer and a Lucinda Dyer, your mother, and Jerry Dyer?
- A Yes sir.
- Q You say your mother was the youngest child? A Yes sir.
- Q And then come Jerry, was he the next? A I don't remember.
- Q Do you know whether Mollie was older than Jerry? A No sir.
- Q Do you know whether Mollie was older than Polly or not? A No sir.
- Q You don't know how much older Mollie was than your mother? A No.
- Q Then your mother had four children named ~~by Perry~~; that is, your grand-mother? A Yes sir.
- Q And in regard to the Oxberry children, how many ^{Dyer} did you say she had? A I don't remember.
- Q How many did you mention? A I remember two. One was named Zila--
- Q A girl? A Yes sir, Elzira.
- Q And George? A Yes sir, I don't remember of any others though. I don't know that they ever came out here at all.
- Q Did George come out with Nellie Dyer when they came here? A I don't know, sir.
- Q Did you see him here? A No sir, I never saw him. I know he had children out here; a daughter.
- Q How old was your mother when she died? A She was between seventy and eighty.
- Q When did she die? A In '91, I think it was.
- Q 1891? A Yes sir.
- Q Was she a Choctaw and Chickasaw both? A Yes sir, she claimed both.
- Q You say you were personally acquainted with your grand-mother, Nellie Dyer? A Yes sir.
- Q Did she claim to be a Choctaw and Chickasaw? A I don't know whether she was Choctaw or Chickasaw, but my mother always said they were both.
- Q How much Indian blood did Nellie Dyer possess or claim to possess; was she a fullblood? A No sir, I think her father was a white man.
- Q Then she would have been a half breed? A Yes sir.
- Q Did she show the Indian features? A No sir, she was very fair.
- Q Did you ever hear what part of Mississippi she came from? A Close to the Bushy River is all I know.
- Q Didn't mention the County? A No sir.
- Q Do you know where Jerry Dyer was married? A No sir.
- Q The fact is that you know very little of your uncle, Jerry Dyer?
- A No sir, I never saw him.

BY MR. ROSENWINKLE:

- Q You are a full sister of Joe Bynum? A Yes sir.
- Q You have an uncle by the name of Edward Leader? A He is my grand-mother's sister's husband.

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- Q Isn't he Nancy Frazier's son? A Yes sir, my grand-mother was a Frazier before she married.
Q Her first husband, Oxberry, do you know anything about him? A No sir.

BY MR. VON WEISE:

- Q Your uncle Jerry was reputed to have been married, was he not?
A That is what they say. They said he had a son, but I don't know anything about it.
Q You don't know whether he had any other children or not? A No, but this boy and he is dead .

MR. ROSENWINKLE: The Choctaw and Chickasaw Nations wish to introduce in evidence and have considered a part of this record the general deposition of Robert Cole, a half-breed Chickasaw, taken by consent, ~~the same being found~~ No. 16, found on page 175 of volume one of Court of Claims, in the case entitled the Chickasaw Nation against the United States, said deposition having been taken on January 30, 1838, before United States Commissioners Murray and Vroom, and in that connection we call special attention to the list of names that is found on page 176, No. 20, which reads, "Nellie Dyer, gone west with her family about three months ago. We also introduce the general deposition of Moontubbee, a fullblood Choctaw, taken on the same day before said Commissioners which said deposition is found on page 177 of the record above referred to, and calling special attention to the list of names No. 32, which reads, Nellie Frazier, alias Dyer, went west with her family, except George Oxberry, three months ago," said list being contained in the deposition. We also call attention to No. 37 of this list of names, which reads, "Mollie Perry, alias Frazier, the mother of Nancy Frazier", and we further call attention to the following, contained in this deposition on page 179: "He knows about one person by the name of Nellie Frazier or Nellie Dyer, and it is not known if she is on another list; he ~~knows~~ knows about one person by the name of Charles Frazier, the brother of Nellie; he does not know that he is on any other list; He belonged to John Perry's company at the time of the Treaty."

MR. VON WEISE: Attorney for applicant desires to call special attention to pages 46, 47, 49/50, 170, 174, 175, 176, 177, 171, 172, 178, 179 and 316 of volume one of the above, in evidence in the case of the Choctaw Nation versus the United States, heard before the court of claims No. 12742, wherein appears the record referring to the claim of the ~~Nickson~~ ancestors of these applicants. Also desire to call special attention to 94, 628 and 640, of the American State papers, Volume 7, wherein appears a record of the ancestors of these applicants.

BY MR. ROSENWINKLE:

- Q This child of Jerry Dyer's, was that a girl or boy? A Boy.
Q Did you ever know whether he had a child by the name of Martha?
A No sir.

BY MR. VON WEISE:

- Q you never heard that he didn't have? A No sir.
Q You never heard that he didn't have any other children beside the one that is dead? A No sir.
BY THE COMMISSION: Did you ever hear of Nellie Dyer or your mother speak of Jerry Dyer coming with them when they came here?
A No sir.

WITNESSES EXCUSED.

JANE TUSSY.

Jane Tussy, a witness on behalf of the Nations, testifies as follows:

EXAMINATION BY MR. ROSENWINKLE:

- Q Just give us your full name? A Jane Tussy.
Q How old are you, Mrs. Tussy? A Seventy-one; going on seventy-one.
Q Your post office address is Tishomingo? A Yes sir.
Q Are you a citizen by blood of the Choctaw and Chickasaw Nations?
A Yes sir; Chickasaw. A little of both, but then I always claim the Chickasaw.
Q Who were your parents? A My father was James McLaughlin.
Q Who was your mother? A Liza Frasier.
Q Were you ever acquainted with Nellie Dyer? A Yes sir, she was my mother's aunt.
Q What was the maiden name of Nellie Dyer? A Her father was a Frasier-- It seems to me like it was Perry.
Q Were you well and personally acquainted with Nellie? A Yes. I have been to her house many times; she lived on Blue and we lived up here.
Q Now, Nellie Dyer was your mother's father's sister? A Yes sir.
Q I will ask you to give us the name of Nellie Dyer's children?
A Her first children were Oxberrys, Silas and Palace, and there was another one. They all died when I was small.
Q To refresh your memory, I will ask you whether that other child's name was George Oxberry or not? A I don't remember. I aint certain; I wouldn't say. I know there was Silas and Palace and Elzira.
Q Was she an Oxberry or a Dyer? A She was one of the first children.
Q What Dyer children were there? A Jerry, Polly and Lucinda.
Q Do you know who Polly married? A She married a McLish.
Q What McLish? A James.
Q Have they any descendants living in this country? A They have got one grand-son, that is Richard McLish, and then another, a little boy; Williford is his name.
Q Who were Lucinda's children? A Charley Harkins and Lucy Harkins and----
Q Now, Mrs. Harkins up here, who is she? A That is Lucinda's daughter.

BY THE COMMISSION:

- Q What is her name? A Mary.
Q Was Jerry ever married? A Yes sir.
Q Who was his wife? A His wife was Elsie Tontubbee.
Q Did they have any children? A I don't remember of them having any; I don't think they did.
Q Did you ever hear whether they had a boy or girl child? Who was Elsie Tontubbee's people? A Will Rennie's wife was a niece of Elsie Tontubbee.
Q That is Mrs. Will Rennie, who resides here at Tishomingo? A Yes.
Q Did you ever know or did you ever hear whether Jerry Dyer had a child by the name of Martha? A No sir.
Q You never heard of Martha? A No sir.
Q I want you to think a little bit and state where it was and when it was that you knew Jerry Dyer? A All my life.

BY THE COMMISSION:

- Q When was the first time you met him? A When I was a little girl.
Q Where? A Here in the Indian Territory.
Q About what time was that that you first met him? A It was when the first Chickasaw came to this country.
Q It was in 1837? A I guess it was. I come from Mississippi; I come here about thirtty-four or thirtty-five.

Q Was he here then? A He come on with the Indians.

BY MR. ROSENWINKLE:

Q You don't know just exactly the year he came here, do you? A No sir.

Now, what do you know about where Jerry Dyer died? A He died right across the river here; was killed.

Q Who killed him? A Dave Pickens.

Q What kind of an occasion were they at? A It was at an Indian Stump Dance. There was some drinking and Dave Pickens was an officer and Jerry got---

Q Jerry was drinking a little? A Yes sir.

Q And Dave Pickens was an officer of the tribe and killed him in attempting to arrest him? A Yes sir.

Q Now, where did Nellie Dyer die? A Over here on Blue.

Q About how many years was it before the war when Jerry Dyer was killed? A It was 't long. I have been studying here whether it was the commencement of the war or just before the war.

Q You don't remember exactly about that? A No sir.

Q Now, Nellie Dyer and Jerry Dyer and all their people, I want you to state whether or not it is a fact that they were always recognized as Choctaws and Chickasaws? A Yes sir.

Q ~~Was it~~ The y drew their money from both tribes? A Yes sir.

BY THE COMMISSION:

Q You came from Mississippi in '34 or '35, didn't you? A I think it was '34. My father was the first Chickasaw that come out here.

Q The first lot of immigrants that come out here? A Yes sir.

Q About how many years after that time did Nellie Dyer come out here? A I don't know, but what she come when we come, but you see so many of them stopped on Bossy and on Blue--

Q How many of Nellie Dyer's family came with her at that time?

A Nellie Dyer had a son named Winchester Colbert too. He was her first children.

Q He was older than Lucinda? A Yes sir.

Q Also older than Jerry? A Yes sir.

Q Jerry was a young man when he got killed? A Yes sir.

Q About how old was he when he was killed? A I don't know. He might have been about thirty.

Q You don't recollect just what year he was killed? A No sir.

Q Did all of Nellie Dyer's children come out here with her? A Yes sir.

Q Did Jerry Dyer live with his mother when they came out here? A Yes sir.

Q Did you ever hear whether or not Jerry Dyer also went by the name of Edward Dyer? A Never heard nothing about Edward Dyer. Jerry Dyer was the only man of the family.

Q Was this Winchester that you speak of a man? A He was a man.

Q He was a child by Colbert? A Yes sir.

Q Do you know whether or not Jerry Dyer resided here in the Chickasaw Nation between 1840 and 1850? A No sir, don't know whether he went out there at all or not.

Q Do you know whether or not he resided in the Indian Territory between 1840 and '50? From the time that Jerry Dyer came out here until he died, he lived here? A Yes sir.

Q You knew of him all the time? A Yes sir.

Q Did you ever hear that Jerry Dyer lived in Indiana any time during his life? A No sir. He came from Mississippi out here.

Q You never knew of him living in Indiana at any time? A No sir.

Q Your memory is pretty good, is it, still? A Yes sir, Tolerable. I am forgetful though. I forget things, but after awhile I can remember them.

- Q You forget little details, you mean? A Yes sir.
- Q You are related to Nellie Dyer, ar n't you? A Yes sir. My mother was Nellie Dyer's niece.
- Q Your grand-mother was a Frasier? A Yes sir. I don't know what her name was before she married. Her name was Mollie Frasier, though. It seems like she was a Perry.
- Q Do you recollect anyone by the name of George Oxberry? A It seems like I do, but I won't be certain. There was three or four of the Oxberry boys.
- Q How many of them do you recollect that came here to the Indian Territory? A I remember Silas and Palace, and I think there was a Jim.
- Q You were personally acquainted with Jerry Dyer? A Yes sir.
- Q Did you ever see his wife? A We went to school together.
- Q I believe the question was asked you as to whether they had any children or not? A They never had any. They did have one, I think, but it died.
- Q You think it ~~he~~ died in childhood? A Yes sir.
- Q Was that child a boy? A I won't be certain, but I think she had a boy and it died.

BY MR. ROSENWINKLE:

- Q You were well ~~acquainted~~ acquainted with Jerry Dyer to have known if he would have been married to a woman by the name of Barr, wouldn't you? A Yes sir; his first marriage with this Elsie Tontubbee.
- Q You knew personally that he was never married to any other one? A Yes sir, because he was just a strip of a child when he come out here.
- Q And you also know of your own knowledge and in the community you lived that he never had a child by the name of Martha Dyer who grew up to womanhood? A Yes sir, never had none.
- Q At the time you lived here, where did you live? A Down here.
- Q Where did he live? A On Blue.
- Q How far is that apart? A About ten miles.
- Q Did you see each other frequently? A Yes sir, we used to visit a right smart.
- Q You are quite certain that Jerry Dyer never ~~had~~ lived any other place than Indian Territory and Mississippi? A No sir.
- Q After he came here to the Indian Territory, you saw him off and on from time to time until his death, did you? A Yes sir. And saw him after he died.
- Q Did you attend his funeral-- Did you go to the funeral when he was buried? A Yes sir.
- Q And Nellie lived sometime after that? A Yes sir.
- Q It hasn't been very many years ago since Nellie died, has it? A It has been several years.
- Q What year? A I don't remember. It has been ten or fifteen, yes, more than that.
- Q I will ask you if it wasn't about four or five or six years after the war closed? A I don't remember that either. We never think about anything like that and just let it pass. He had been dead a long time, though; he died before the war.
- Q Jerry Dyer died before the war? A Yes sir.
- Q And then wasn't it a good long time until she died? Wasn't it some ten or twelve or fifteen years, do you recollect? A No, I don't.
- Q You don't recollect the exact year? A No sir. I know he never lived anywhere else after he came from Mississippi here until he married and died.

F. L. Clemens 14.

Q Do you recollect about how old a man he was when he was killed?
A May be thirty; he wasn't old.

BY THE COMMISSION:

Q Was this Elsie Tontubbee a Choctaw or Chickasaw? A She was a Chickasaw.

Q Fullblood? A Yes sir, but they could talk good English.
Witness excused.

J. F. Williams, being duly sworn, on oath states that he reported the above and foregoing proceeding on February 1st and 2nd, 1904, and that the same is a true and correct transcript of his stenographic notes in said cause on said date.

J. F. Williams
Subscribed and sworn to before me this February 5, 1904.

W. Rodgers

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Florence L. Clemens, et al., for identification as Mississippi Choctaws, M.C.R. 7302.

---: 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 Florence L. Clemens for herself and her four minor children, Glenn, Lovell, Boy and Charles Clemens, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Hollie Iyer, formerly Oxberry, through her son, Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Iyer and Charles Iyer, all of whom are alleged to have been Choctaw Indians, and to

blood not stated.

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

It is found that the name Nelly Dyer appears on pages 46, 48, 49, 50, 140, 170, 171, 172, 174, 176, 247 and 316, the name Jeremiah Dyer on page 247 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, wherein, among other things, it appears that Nelly Dyer was a quarter blood Choctaw Indian and had, at the date of the treaty, three children over ten years of age by her first husband whose name was Oxberry, one of whom bore the name of George; she also had three children by her second husband, Dyer, two of whom were females over ten years of age and one son by the name of Jeremiah who was under ten years of age at the date of the treaty. It is further stated that Nelly Dyer signified her intention to Colonel Ward to remain for the five years stay and take land under article fourteen of the treaty of eighteen hundred and thirty.

The principal applicant on her appearance before the Commission displayed very little knowledge of her ancestors but subse-

quent thereto an effort was made to show by circumstantial evidence in the form of affidavits and depositions that Florence L. Clemens is the daughter of David and Martha Love, and that Martha Love was the daughter of Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Dyer, who was the son of Nellie Dyer by her second husband; that Nellie Dyer's first husband's name was Oxberry, by whom she had several children, one of whom bore the name of George Oxberry; that Nellie Dyer also had two daughters by her second husband, but whose names are not disclosed by the evidence herein. It is stated that Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Dyer, the grandfather of the principal applicant, was born in Mississippi in 1822 and was, at the date of the treaty, under ten years of age, and removed in the early 40's to Indiana, where, in 1841, he married one Mrs. Barr; that he continued to reside in Indiana for some years but finally removed to Illinois where he died in 1897 or '98. In explanation of the fact that said ancestor also went by the name of Ed or Edward, it is stated that when he arrived in Indiana he went by the name of Jerry (or Jeremiah), but for some reason he subsequently changed his name to Ed (or Edward and asked his friends that he be called by that name instead of Jerry (or Jeremiah).

It appears from the testimony of certain witnesses introduced on behalf of the Choctaw and Chickasaw Nations that there are now living in the Chickasaw Nation, descendants of Nellie Dyer and relatives of Jerry Dyer whose names appear of record as above set forth. From the testimony of Jane Tussy, one of these witnesses, it appears that she is 71 years of age and was born in Mississippi in 1823, removing to the Chickasaw Nation, Indian Territory in 1834; that she is a niece of Nellie Dyer and a cousin of Jeremiah Dyer, who removed from Mississippi to the Chickasaw Nation, Indian Territory,

(4)

in the year 1837; that she is well acquainted with said relatives as they resided in the Chickasaw Nation but a few miles from her residence and frequently exchanged visits; that Jerry Dyer married one Elsie Tentubbee a Chickasaw by blood and relative to any issue born to them, states that they only had one child, a boy, who died in childhood. She further states that Jeremiah Dyer never resided in Indiana or any other state except Mississippi but continued to reside in the Chickasaw Nation, Indian Territory until his death which occurred some time previous to the Civil War, and that he was never known by any other name than Jerry.

It is therefore clear that the ancestors, through whom these applicants claim, are not identical with any of the persons whose names appear in the records above cited.

It does not appear from the testimony and evidence offered in support of said 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 Dyer, formerly Oxberry, or Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Dyer, through whom these applicants claim, or Charles Harper, 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 Florence L. Clemens, Glenn Clemens, Levell Clemens, Boy Clemens and Charles

(5)

Clemens, as Choctaw Indians entitled 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.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

JUN 15 1904

Muskogee, aforesaid, she had no time to get her evidence in shape before her personal application and her time since has been limited, That, while she has obtained some affidavits going to prove facts material to establish her cause, yet she and her attorney, have a number of clues they desire to follow up, just what they can find is problematical, but she feels they should be permitted the time to make the effort,

Further, that, owing to the rule, established by said Commission, which requires fifteen days notice to be given opposing parties, before depositions will issue, such time added to the time the course of mails will take, and the time required in the preparation of her case, she fears will not permit her to get much material proof before said Commission inside the thirty days from March 24th, 1903,

Owing to the causes and matters above set forth applicant therefore asks for an extension of time in which she may produce proofs in support of her case, if it may be, that she be given an additional fifteen, or better, thirty days, from the time heretofore limited to her. "

(Signed) Florence L. Clemens

" State of Indiana)
) SS
 Jasper County)

Florence L. Clemens being first duly sworn, on oath, states that she has read the foregoing and that the matters and things therein stated are true; and that affiant verily believes her case to be meritorious and that she can show it such, if given the opportunity. "

(Signed) Florence L. Clemens

"Subscribed and sworn to before me this Sixth day of April A. D. 1903,

(Seal)

(Signed B. F Ferguson
Notary Public "

----- O R D E R -----

The premises considered, it is the opinion of the Commission that said motion should be granted and that this applicant be allowed a continuance of thirty days from the 24th day of April, 1903, in which to take depositions in her application for

)3(

identification as a Mississippi Choctaw, and it is so ordered.

Muskogee, Indian Territory

APR 18 1903

United States of America, :
: SS
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment, as Mississippi Choctaws.

State of Indiana, :
: SS
County of Lake :

Florence L. Clemens, being first duly sworn, on oath states
as follows:- that she is the applicant in the above entitled cause
on behalf of herself and her minor children; that one, Charles
Palmer Wright, who is a resident of, and whose post-office address
is, -Rensselaer, Jasper County, State of Indiana, affiant believes
to be a material witness for her in support of her said appli-
cation; that, as aforesaid, said Charles Palmer Wright is not a
resident of either the State of Mississippi, or of Indian Territory;
that the materiality of said Charles Palmer Wright's testimony
will consist, in general terms, in showing his familiarity with the
early settlers of said Jasper County, Indiana, his father's and
his grandfather's connection with the early settlers of said
Jasper County, and parts of Indiana, and something concerning their
intercourse with the Indians in said State, his father's acquaint-
ance with one, known as Edward Dyer, an early resident of said
Jasper County, Indiana, later of Kankakee County, Illinois, which said
Edward Dyer was known to said Wright's father to be really "Jerry
Dyer", and which said Edward or Jerry Dyer was known to said Wright's
father and to said Wright to be a Choctaw Indian from Mississippi,
who sought to conceal his identity as such by changing his name
from Jeremiah or Jerry to that of Edward; that said Wright's father
was said Dyer's confidante and knew said Dyer's private history
from said Dyer; that said Wright's father and said Wright were .

chums and confidantes, as well as father and son, and, in consequence, said Wright learned much of said Dyer's early history from his said father; also that she expects to show by said Wright the details of conversations overheard by said Wright conducted between said Wright's father and said Dyer, the details of conversations held between said Dyer and Wright, himself, so far as the same appear to affect the issues in this case; the details of a conversation held between said Wright's father and one, John Clemens, concerning the Indian ancestry of applicant herein; that a certain camping ground and hunting ground in Jasper County, Indiana, which the records of Jasper County, aforesaid, show to have been owned by said Dyer, as Edward Dyer, have been known in the Wright household as "the Jerry Dyer place"; that the Edward Dyer, of early Jasper County history, is the same Edward Dyer, who in the 1870s lived in Kankakee County, Illinois; a description of said Dyer; something concerning his apparent age; and the term by which said Dyer was known in the Wright household.

Affiant further states that, more specifically, she expects to prove by said Charles Palmer Wright that he is the Secretary and General Manager of the Federal Oil Company, with headquarters at 76 Williams Street, New York, New York; that he lives at Rensselaer Jasper County, Indiana; that he is the son of Willis Jennings Wright and Minerva Wright, of said County in their lifetime; that he was born in said County in 1847, and was the eldest son of said Wrights, there being five children born of such marriage, all of whom are now deceased, save said Charles P. Wright and one sister; that, since said Wright's birth he has resided in said Jasper County, and is the oldest continuous male resident of the City of Rensselaer now living; that he is and has been personally acquainted with all the former early settlers of said County, resident there, since he

-3-

has been old enough to make acquaintances understandingly; that he is conversant with the history of said Jasper County, since it's organization, or rather, with the settlers, who made the organization; that said Wright's father was an Indian Trader to the Pottawatomies with headquarters at LaPorte County, Indiana, in consequence of which said Wright's father spoke several Indian languages, especially the Pottowatomie and Choctaw Indian languages; that said Wright's father was born in Union County, Indiana, in 1814; that said Wright's father was conversant with the entire Northern District of Indiana in the early days, to wit, from 1834 on until the date of his death in 1886; that LaPorte County adjoins Jasper County, aforesaid; that, in 1839, said Wright's father first came to said Jasper County to stop for any length of time, that he took up his permanent residence there in 1842, but knew it's inhabitants from 1834 on; that, among the early settlers of said Jasper County, said Wright, himself, knew, were the families of the Mallatts, Randalls, Parkinsons, Benjamins, of whom Jared Benjamin, now of Rensselaer, Indiana, is the only surviving Benjamin, the Nowels, the Yeomans, and one, Dyer, hereinafter referred to; that all of these early settlers are now dead but said Jared Benjamin and David Nowels, who is also of Rensselaer, Indiana; that said Dyer, who had left said Jasper County, before said Wright could know him personally, when young, was known as the first man married in said County of Jasper, and was known to said Wright, because of that fact, as well as others. That about 1875, said Dyer visited said Wright's father in Rensselaer, Indiana, and said Wright then for the first time met him in person, and had conversations with said Dyer touching his early life, his residence and departure from the Iroquois River (anciently called the Rapids of the Iroquois), now Rensselaer, Indiana; that, on the occasion of this visit, about 1875, said Dyer walked into said Wright's father's ~~map~~ shop, said Wright being then present, and,

~~and~~ said Wright's father said "Hello, Jerry" or "How to do, Jerry"; that said Wright's father had theretofore spoken to said Wright about said Dyer, and told him that for some reason said Dyer wished to suppress certain things in his early life, and had tried to conceal his early connections from the public. That, in response to the above greeting, said Dyer replied, -"Willis, don't call me Jerry, I left that with the Choctaws in Mississippi, call me Ed". That said Dyer appeared to wish to conceal his talk from any one but said Wright's father, and conversed in Choctaw, and objected to the presence of said Wright and his brother, phrasing his objection in Choctaw, and said Wright's father replied in English, -"Jerry, that is all right, they know". That the conversation from then on was free and unrestrained and in English; that said Dyer visited several days on this occasion in said Wright's father's home, and said Dyer and said Wright had many conversations, and said Dyer corroborated much that said Wright's father had theretofore told him, viz:-that he had been a member of the Choctaw Indian Tribe, who were at one time located in or near a place, called Clinton, or old Clinton, Mississippi; that he was a deserter from the tribe; that the reason he gave said Wright for his desertion was the pride of the white race predominating from childhood in him, and he could not endure the manner of life which they led; hence he had left them wanting to forget them forever; that Wright's recollection of the conversation was to the effect that said Dyer told him he left them, when quite a boy; that said Dyer and said Wright's father held conversations in said Wright's presence, in which were mentioned ~~xxxxxxx~~ certain places in Mississippi, among them, Loosa Schuma, Clinton and Nachez, the reference to them being as places where said Dyer, or his people, had formerly resided, and being places where said Wright's father had visited, also, and

such conversations showing said Wright's father was acquainted with said Dyer's early life; that said Dyer spoke of his marriage with divorced the wife of Andrew Barr in Jasper County, being the first marriage in Jasper County, aforesaid; that said Wright knows that the history of the said Jasper County and common reputation is that the divorce between said Andrew Barr and his said wife, who married said Dyer, was the first divorce granted in said County; that said Dyer was, when said Wright met him, a man of fine physique, straight, agile, even at that age, swarthy, with black eyes and black hair, and had all the characteristics of an Indian; that in the early days of said Jasper County said Dyer was known as athletic and tireless, and that his strength of teeth was a matter of common reputation; that on the occasion of said visit in 1870s, to wit, about 1875, said Dyer exhibited his continued strength of teeth by biting in two a brad, or soft iron nail, in said Wright's presence; that said Wright recalls a conversation he overheard between one, John Clemens, then of Jasper County, aforesaid, now of Shelby, Indiana, and said Wright's father in 1885 or 1886, when said Clemens came into said Wright's father's store in Rensselaer, Indiana, -said Clemens told of his son, Wallace's, marriage, and, in response to said Wright's father's query as to who he married, said Clemens told, and who her people were, and said Wright's father exclaimed that she was part Indian, being the grand-daughter of "Jerry Dyer"; that said Wright believes his father and his family were the only people locally who knew said Dyer was of Indian extraction; that in 1867 said Wright camped near the Iroquois River, near "the old eagle's nest", on a place always referred to as "the Jerry Dyer place", which was on Section 27, Township 30, Range 7, Jasper County, Indiana. That in the conversations held by said Wright, or overheard by him, in or about 1875, said Dyer said he was then living ~~Northwest~~, or from

his conversation said Wright inferred said Dyer was then living, - near Kankakee and near Momence, Illinois, which are towns near to each other in Kankakee County, Illinois; that said Dyer was repeatedly stated to be a Choctaw by said Wright's father to said Wright, and was commonly referred to in said Wright's father's home as either "the Choctaw" or the "Mississippi Indian"; that said Wright's father told said Wright the real reason said Dyer left his people in Mississippi was because some of his family had done something of a derogatory nature, which he did not like, his said father but giving him a hint as to it's nature; that, when said Wright saw said Dyer in or about 1875 he appeared to be a man between 50 and 60, being well preserved, and might have been either, so far as his appearance went.

Applicant and affiant therefore asks for a commission to issue to take said Wright's testimony.

Florence L. Lesueur,

Subscribed and sworn to before me

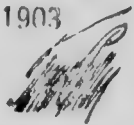
this Twenty-Eight day of April, A.D. 1903.

W. H. Cannon
Notary Public.

Commission Expires Sept 30 - 1906

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

MAY 9 1903

A handwritten signature in dark ink, appearing to be 'C. H. Smith', written over the date.

CHAIRMAN.

Gen. No.

Term No.

United States of America,
~~State of Illinois,~~
Department of the Interior,

Before the Commission to
the ~~Five~~ Civilized Tribes, sitting
at Muskogee, Indian
Territory.

4 Term A. D. 190

In re application of
Florence L. Clemens, et
al, for identification &
enrollment as Mississippi
Choctaw

Affidavit of Florence
L. Clemens for deposition
of Charles Palmer Wright

Filed this day of 190

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

an atty FOR *Clements*

United States of America, :
: ss
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at -
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment, as Mississippi Choctaws.

State of Indiana, :
: ss
County of Lake, :

Florence L. Clemens, being first duly sworn, on oath states as follows:- that she is the applicant in the above entitled cause on behalf of herself and her minor children; that one, Jared Benjamin, who is a resident of, and whose post-office address is, - Rensselaer, Jasper County, State of Indiana, she believes to be a material witness for her in support of her said application; that, as aforesaid, said Jared Benjamin is not a resident of either the State of Mississippi, or of Indian Territory; that the materiality of said Jared Benjamin's testimony, in general terms, will consist in the statement of his acquaintance with one, Edward Dyer, when said Benjamin came to Jasper County, Indiana, in 1838, his description of said Dyer; his knowledge that said Dyer spoke an Indian tongue; that said Dyer spoke in conversation of places in Mississippi as though he had formerly been there; the fixing of the date of said Dyer's marriage, and to whom he was married; the time said Dyer left said Jasper County; the fact of his return there on a visit in or about 1875; and that said Dyer was, about 1875, living North of the Kankakee River.

Specifically, affiant expects to prove by said Benjamin that he resides in said City of Rensselaer, that he has been a resident of said Jasper County since 1838, coming there in the Fall of 1838; that, when he so came there, he became acquainted with one, Edward

Dyer, who was already there; that said Edward Dyer was the only man by that name said Benjamin ever knew to reside in said Jasper County; that he does not know said Dyer's age, but does know he was not a mere boy, but in young manhood in 1838; that he recalls said Dyer going on a hunting trip near Beaver Lake in ~~1838xxxxxx~~ the winter of 1838 and 1839; that said Dyer was an erect, athletic young man, with dark complexion, long ^astright black hair, and had black eyes; that said Dyer was a blacksmith by trade; that he has heard said Dyer talk an Indian tongue, but did not understand it; that he has heard said Dyer speak of Nachez, Mississippi, as of a place where he had formerly been; that he does not know where said Dyer came from to said Jasper County; that he does not know where said Dyer went to from said Jasper County, but afterward learned he was living North of the Kankakee River; that he knows and knew as a matter of common reputation, current in Jasper County, at the time, that said Dyer married a Mrs. Barr, a divorced ^{woman,} ~~one~~ about the winter of 1840 to 1841; that said Benjamin was not at the wedding, and does not know any one now living, who was, but that the fact of such marriage was a generally known and accepted fact in the neighborhood at the time; that he expecially recalls a debate in his, Benjamin's own home, caused by the fact of the marriage, on whether it was right or not for a divorced person to marry; that he does not recall the precise date, but thinks it was prior to 1843 that said Dyer left said Jasper County; that about 1875 said Dyer came back to said Jasper County on a visit, and Benjamin had a talk with him then, and said Dyer said he was then living North of the Kankakee River; that the Edward Dyer in said Jasper County in 1838, when Benjamin came there, was the identical Edward Dyer, who visited him in or about 1875. Applicant therefore asks for a commission to issue to take said Benjamin's testimony.

Subscribed and sworn to before me this
Twenty-Eighth day of April, A.D. 1903.

Thomasa L. Clement

W. Carson

Notary Public.

Commission Expires Apr 20-1906

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

MAY 9 1903

A handwritten signature in dark ink, appearing to be 'W. H. H. H.', written over the date.

CHAIRMAN

Gen. No.

Term No.

United States of America
~~State of Illinois,~~
Department of the Interior.

Before the Commission to the
Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

Form A. D. 190

In re application of
Florence L. Clemens,
et al, for identification
and enrollment as
Mississippi Choctaws.

Affidavit of Florence L.
Clemens for deposition of
Jared Benjamin

Filed this day of 190

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS,

an Atty FOR Claimants.

United States of America, :
: ss
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for enrollment and
identification as Mississippi Choctaws.

State of Indiana, :
: ss
County of Lake :

Florence L. Clemens, being first duly sworn, on oath states
as follows:- that she is the applicant in the above entitled
cause on behalf of herself and her minor children; that ~~one~~, John
B. Clemens, or Clemans, as he sometimes signs himself, who is a resi-
dent of, and whose post-address is, -Shelby, Lake County, State of
Indiana, affiant believes to be a material witness for her in
support of her said application; that, as aforesaid, said John B.
Clemens is not a resident of either the State of Mississippi, or of
Indian Territory; that the materiality of said John B. Clemens's
testimony, in general terms, will consist in corroborating affiant's
testimony as to her descent from one, Edward Dyer, of Sherburnville,
Yellowhead Township, Kankakee County, State of Illinois, that said
Dyer had told said Clemens he had been one of the early settlers
of Jasper County, Indiana, said Dyer's trade and occupation, his
appearance, and the details of a conversation had with regard to
Dyer, aforesaid, with one, Willis Wright, now deceased, an early settler
of said Jasper County, in which said Clemens became informed that
said Edward Dyer was really Jerry Dyer, who was part Indian.

Affiant further states that, specifically, she expects to prove
~~that~~ by said John B. Clemens that he is a resident of Shelby, Lake
County, State of Indiana; that he is the father of one, Wallace
Clemens, who lives near Kersey, Indiana, which said son is married
to Florence L. Clemens (nee Love), the applicant herein; that said

Florence L. Clemens was the daughter of one, David Love, who formerly lived in Kankakee County, Illinois, to wit, at ^hSherburnville, Illinois; that said David Love was married to Martha Love (nee Dyer), who was the daughter of one, Edward Dyer, who was, also, when said John B. Clemens knew him, of Sherburnville, Illinois; that said John B. Clemens first met said Edward Dyer about a year after said John B. Clemens' son, Wallace, married said grand-daughter of said Edward Dyer, said marriage occurring in January, 1886; that said John B. Clemens met said Edward Dyer several times thereafter, especially in 1892; that ~~said John B. Clemens was acquainted in Jasper County, Indiana, and~~ said Edward Dyer told said John B. Clemens that he (Dyer) had been one of the early settlers of Jasper County, Indiana, and that said John B. Clemens had been told the same fact by other old settlers of said Jasper County; that said Edward Dyer was a blacksmith by trade, although later in life a farmer; that shortly after the marriage of Wallace Clemens and Florence L. Clemens (nee Love), said John B. Clemens was in the shop of Willis Wright in Rensselaer, Indiana, and said Willis Wright asked said John B. Clemens who said John B. Clemens' son had married, after said John B. Clemens had told said Wright his son was married, as aforesaid; that said John B. Clemens told said Wright, and described who the people of said Florence L. Clemens (nee Love) were, and that then said Willis Wright informed said John B. Clemens that his (Clemens') son, Wallace, had married the grand-daughter of "Jerry Dyer", and that she was part Indian; that said John B. Clemens recollects that said Willis Wright always called said Edward Dyer "Jerry Dyer", when he did not refer to him as "Mr. Dyer"; that the Edward Dyer known to said John B. Clemens, aforesaid, was very erect for a man of his years, strong, energetic, and had black hair, black eyes and high cheek bones.

Applicant therefore asks for a commission to issue to take said

Subscribed and sworn to before me this *Florence L. Clemens*
Twenty-Eighth day of April, 1903. *Notary Public.*

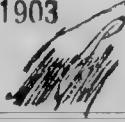
Commission Expires April 30-1906

Notary Public

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

FILED

MAY 9 1903

A handwritten signature in dark ink, appearing to be 'T. B. ...', is written over the 'FILED' and date text.

CHAIRMAN.

Gen. No.

Term No.

United States of America
~~State of Illinois~~
Department of the Interior

Before the Commission ^{COUNTY} to
the Five Civilized Tribes
Sitting at Westogee Court
Indian Territory

~~Form A D 100~~

#

In re application of Florence
L. Clemens, et al, for
identification and
enrollment as Mississippi
Choctaws

#

affidavit of Florence L.
Clemens for deposition of
John B. Clemens

Filed this day of 190...

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

an Atty. FOR Claimants

United States of America, :
: SS
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment as Mississippi Choctaws.

State of Indiana, :
: SS
County of Lake :

Florence L. Clemens, being first duly sworn, on oath states as follows:-that she is the applicant in the above entitled cause on behalf of herself and her minor children; that one, David Nowels, who is a resident of, and whose post-office address is, -Rensselaer, Jasper County, State of Indiana, affiant believes to be a material witness for her in support of her said application; that, as afore-said, said David Nowels is not a resident of either the State of Mississippi, nor of Indian Territory; that the materiality of said David Nowels testimony, in general terms, will consist in corroborating the testimony of certain other witnesses in part; that he is an early settler of said Jasper County, knowing an early settler thereof by name, Edward Dyer; in fixing the date of said Dyer's marriage, and the person he married; his belief as to said Dyer's age at time of marriage, from his appearance; and in giving a description of said Dyer.

More specifically, affiant expects to prove by said David Nowels, that he is a resident of Rensselaer, Indiana; that he is eighty-one years of age; that he came to Jasper County, Indiana, in 1834, and has resided in said County since that date; that he was acquainted with one, Edward Dyer, who was a resident of said Jasper County in the early days, "baching" it with said Dyer at one time; that he knew no other Edward Dyer, who ever resided in said Jasper County; that said Dyer was a blacksmith; that said Dyer was married

in said Jasper County to a Mrs. Barr, a divorced woman, whose divorce was the first granted in said county; that Mrs. Barr's maiden name was Woodward; that he believes the date of the marriage was in 1841, that such is his recollection, said Nowels fixing the date by his own marriage; that he recalls the marriage especially because Mrs. Barr had first made fun of said Dyer, before marriage, and it seemed strange to him at the time that, having done so, she should marry him; that he does not remember whether he witnessed the marriage or not, but the fact of the marriage was a commonly known and accepted fact in the community, and they were recognized and treated as man and wife; that he does not actually know said Dyer's age at time of marriage but believes him to have been somewhere about twenty to twenty-two at the time; that he does not know where said Dyer came from to said Jasper County, nor where he went to from there, but his impression is that he later went to Illinois; that some years ago one, Jared Benjamin, told said Nowels said Dyer had been back to said Jasper County on a visit, but said Nowels did not see him on that occasion; that said Dyer was tall, athletic, erect, and had black hair, which was straight, and had black eyes, and his strength of teeth was remarkable.

Affiant therefore asks that a commission issue to take the deposition of said David Nowels.

Florence L. Clemens

Subscribed and sworn to before me

this Twenty-Eight day of April, A.D. 1903.

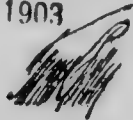
C. A. Carson
Notary Public.

Comm. Exp. Sept 20 - 1906

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

FILED

MAY 9 1903

A handwritten signature in dark ink, appearing to be 'G. B. Smith', written over the date.

CHAIRMAN.

Gen. No.

Term No.

United States of America
~~State of Illinois~~
Department of the Interior

Before the Commission to the ^{COUNTY}
Five Civilized Tribes, sitting Court
at Muskogee, Indian Territory

Term A. D. 190.....

In re application of
Florence L. Clemens, et al
for identification & enroll-
ment as Mississippi Choctaws

Affidavit of Florence L.
Clemens for deposition
of David Nowels.

Filed this day of ..190.....

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

an Atty. FOR Claimants.

United States of America, :
: ss
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment as Mississippi Choctaws.

State of Indiana, :
: ss
Lake County.:

Florence L. Clemens, being first duly sworn, on oath states as follows:- that she is the applicant in the above entitled cause on behalf of herself and her minor children; that A. Cicero Pancoast, who lives near Rensselaer, Jasper County, State of Indiana, and whose post-office address is said City of Rensselaer, Indiana, affiant believes to be a material witness for her in support of her said application; that, as aforesaid, said A. Cicero Pancoast is not a resident of either the State of Mississippi, or of Indian Territory; that the materiality of said Pancoast's testimony, in general terms, will consist in identifying one, Edward Dyer, of Sherburnville, Illinois, applicant's grandfather, with whom said Pancoast visited at his home in said Sherburnville, with the Edward Dyer, who visited in Jasper County, Indiana, in the 70's, to wit, between 1870 and 1880, ~~with~~ whom another witness for applicant will testify was really Jeremiah Dyer, a Choctaw Indian from Mississippi, and will bear upon said Dyer's appearance, his age, his marriage, the marriage of his daughter with David Love, applicant's father, and the fact that one of David Love's daughters married a son of one, John Clemens.

Affiant further states that, specifically, she expects to prove by said A. Cicero Pancoast that he is a resident of Newton Township, Jasper County, Indiana, his farm and residence being in the neighborhood of three miles West of Rensselaer, Indiana, that he is a farmer, that he was born in said Jasper County in 1855, and lived there

the following three years, that he returned to said Jasper County in 1870 and took up his permanent residence there, that he had many relatives, who continuously resided in said Jasper County from the early settlement of said County until they died; that he was acquainted through said relatives with one, Edward Dyer, an early resident of said County, by reputation before he ever met him personally; that he met him personally between 1870 and 1880, when said Dyer visited said Pancoast's father in Jasper County, Indiana; that said Pancoast heard neighborhood talk among the old settlers of said Jasper County, and especially from a deceased aunt of said Pancoast, that said Dyer was under legal age, when he got married; that said Pancoast again met said Dyer personally in the winter of 1881, when he, Pancoast, visited said Dyer at his home in Sherburnville, Illinois, the same being in Kankakee County; that said Pancoast was acquainted with one, David Love, of said Sherburnville, who was married to one of said Dyer's daughters; that he heard from a sister of Mrs. David Love, aforesaid, that one of David Love's daughters married one, Wallace Clemens, a son of John Clemens, then of Jasper County, aforesaid, but who resided at Shelby, Indiana, the last said Pancoast heard of him; that said Dyer was exact, rather tall, with no superfluous flesh, strong, with straight black hair and black eyes, when said Pancoast knew him; that said Pancoast is not related to applicant in any way, nor interested in the outcome of her application. Applicant therefore asks for a commission to issue to take the deposition of said A. Cicero Pancoast.

Florence Clemens

Subscribed and sworn to before me

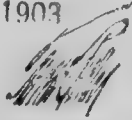
this *Twenty Eighth* day of April, A.D. 1903.

A. A. Carson
Notary Public.

Commission Expires Sept 20 - 1906

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

MAY 9 1903

A handwritten signature in dark ink, appearing to be 'G. B. ...', written over the printed text.

CHAIRMAN.

Gen. No.

Term No.

United States of America
~~State of Illinois,~~
Department of the Interior.

Before the Commission to
the Five Civilized Tribes, Court
sitting at Muskogee, I. T.

Term A. D. 190.

In re application of Florence
L. Clemens, et al, for
identification & enrollment
as Mississippi Choctaws

Affidavit of Florence L.
Clemens for deposition of
A. Cicero Paucoast

Filed this day of 190.

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

An Atty FOR Claimants

United States of America, :
: ss
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment as members of the Choctaw Nation, as Mississippi Choctaws.

State of Indiana, :
: ss
County of Jasper :

Florence L. Clemens, being first duly sworn, on oath states as
follows:- that she is the applicant in the above entitled cause
on behalf of herself and her minor children; that Lodemia Clark,
who lives near Momence, Kankakee County, State of Illinois, and
whose post-office address is Rural Route No. 2, Grant Park, Illinois,
affiant believes to be a material witness for her in support of
hersaid application; that, as aforesaid, said Lodemia Clark is not a
resident of either the State of Mississippi, or of Indian Territory;
that the materiality of said Lodemia Clark's testimony, in general
terms, will consist in showing that Edward Dyer, the grandfather of
affiant, spoke of living at Rensselaer, Indiana, to said Mrs. Clark,
and of knowing Nowels, Benjamin and Wright there, ⁱⁿ showing Edward
Dyer's right name to have been "Jerry"; that said Dyer spoke of
Fraziers as ^{relatives of his,} persons of his acquaintance in early youth, and of
Osberrys as ^{acquaintances or relations, she don't know which.} ~~relations~~; that said Dyer spoke of hunting on the
Mississippi River before going to Rensselaer, Indiana; that his
mother was married twice, he being of the second marriage; and that
said Dyer stated his mother was part Indian, the Indian blood in
her being Choctaw.

Affiant further states that, specifically, she expects to prove
by said Lodemia Clark that she lives in Momence Township,
Kankakee County, Illinois; that her post-office address is, as above;
that she is the wife of Charles A. Clark, affiant's cousin, and the

grand-son of Edward Dyer; that Mrs. Clark was married to Charles A. Clark in 1891, and from that time to 1897 or 1898, the date of Edward Dyer's death, with a short interval out, she lived with said Dyer, or he with her; that, in consequence, she heard him talk much of himself, and his early days, he being about the house much, as she worked; that said Edward Dyer spoke to Mrs. Clark of his residence at one time in Rensselaer, Indiana, and that he spoke to her of knowing men, ^{there} named Nowels, Benjamin and Wright; that he also spoke to her of a "Jerry's Island", near Rensselaer, Indiana, named for him; that he ^{said he} had formerly been called "Jerry", but that he didn't like the name and changed it to "Ed"; that said Dyer spoke to said Mrs. Clark of knowing Fraziers, and that they were relatives of his, and heard him speak of Oxberrys, but whether they were friends or relatives, Mrs. Clark couldn't recall on recent date; that, from the reference made to them, such Fraziers and Oxberrys were acquaintances of early youth of said Dyer; that said Mrs. Clark has heard said Dyer speak of hunting and trapping on the Mississippi River, and she thinks this hunting and trapping was done before he went to Rensselaer, Indiana; that said Mrs. Clark has heard said Dyer speak of his mother, saying she was married twice, and she thinks from his talk that said Dyer was born of his mother's second marriage; that said Dyer has talked to said Mrs. Clark of both brothers and sisters of his, but on recent date she couldn't recall just what was said by him in that regard; that said Mrs. Clark has heard said Dyer state that his mother was part Indian, and the Indian blood in her was that of the Choctaw tribe.

Affiant therefore asks for a commission to issue to take the deposition of said Lodemia Clark.

Subscribed and sworn to before me this
13th day of May, A.D. 1903.

My Commission expires on

Flornice A. Gemen

W. H. Robertson Notary Public.

Clerk of the Town of Wheatfield

MCM 92

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE EXTINCTED TRIBES.

FILED

JUL 6 1883

117

CHAS. H. ...

United States of America
~~State of Illinois~~
 Department of the Interior
 Before the Commission ~~appointed~~
 to the Five Civilized Tribes,
 sitting at Muskogee, ~~Indian~~
 Indian Territory
 H Term 11 110

In re application of
 Florence L. Clemons, et al,
 for identification or enrollment
 as Mississippi Choctaws.

Affidavit of Florence L.
 Clemons, seeking a commission
 to issue to take the deposition
 of Lodovica Clark, a
 witness on behalf of
 claimants.
 H

Filed this day of 190...

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

an Atty FOR *Claimants*

United States of America, :
: ss
Department of the Interior. :

Before the Commission to the Five Civilized Tribes, sitting at
Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification
and enrollment as Mississippi Choctaws.

State of Indiana, :
Lake County. : ss
:

Florence L. Clemens, being first duly sworn, on oath states as follows:- that she is the applicant in the above entitled cause on behalf of herself and her minor children; that Charles A. Clark, who lives near Momence, Kankakee County, State of Illinois, and whose post-office address is Rural Route No. 2, Grant Park, Illinois, affiant believes to be a material witness for her in support of her said application; that, as aforesaid, said Charles A. Clark is not a resident of either the State of Mississippi, or of Indian Territory; that the materiality of said Clark's testimony, in general terms, will consist in fixing ~~said~~ the age of Edward, or Jeremiah, Dyer, the grandfather of affiant, at the time of his marriage, the date of his marriage, said Dyer's mother's name, the fact that she was twice married, and that said Dyer was of the second marriage, the fact that said Dyer's father died, when he was young, that is, when said Edward Dyer was young, that said Edward Dyer was part Indian, getting his Indian blood from his mother, that said Edward Dyer had two sisters, that said Edward Dyer was really Jeremiah or Jerry Dyer, having changed his name, when he left the Indians, or when he came North, and in corroborating other witnesses as to some details of their testimony, and in showing said Edward Dyer to have talked of certain early acquaintances of his in Jasper County, Indiana, and of Fraziers and Oxberrys, ^{and one, Hammond,} as persons of his acquaintance in early life, in showing affiant's descent from Edward Dyer, and the age

at which affiant's mother, the daughter of Edward Dyer, aforesaid, married, and other matters more particularly hereinafter set forth.

Affiant further states that, specifically, she expects to prove by said Charles A. Clark that he is a farmer, born in 1871, and is resident in Momence Township, Kankakee County, Illinois, with post-office address as above, R.D.#2, Grant Park, Illinois; that he was the grandson of one, Edward Dyer, who, in his lifetime, lived in Yellowhead Township, near the Village of Sherburnville, Kankakee County, Illinois; that he was a resident of said Edward Dyer's home from the time said Clark was two years old until said Edward Dyer died in 1897 or 1898; that said Clark and affiant are first cousins, having a common grandfather in said Edward Dyer; that said Clark will testify that affiant's mother was Martha J. Dyer, who married one, David Love, when said Martha J. was under fifteen years of age, to wit, so young that her father, Edward Dyer, said she was too young to bear children; that said Clark was intimately associated with said Edward Dyer, in consequence of his residence with him, and has heard said Dyer speak much of his early life; that said Dyer has spoken to said Clark of his early residence in or near Rensselaer, Jasper County, Indiana, and of knowing, while there, men by the names of "Davy" Nowels, Jared Benjamin, one, Wright, and that said Dyer spoke of knowing a man, named Hammond, with whom he dealt in the hunting line, and knew when young, but whether this Hammond was of Rensselaer, aforesaid, or elsewhere, said Clark was not able to recollect on recent date; further that said Clark has heard said Edward Dyer speak of knowing Fraziers and Oxberrys, persons he knew, when young. Further that said Clark has seen a statement of the heirship and ancestry of said Edward Dyer, arranged, as he expresses it, like an abstract, which statement he saw about the time said Edward Dyer died, and in the ancestral line on such statement said Clark recalls seeing the name of Frazier, but in what

relationship to said Dyer such Frazier^{was} or Fraziers were, said Clark could not recall on recent date; that this statement said Clark lost when moving to his present abode. That said Edward Dyer told said Clark, and that it is further a matter of family tradition, that he, Edward Dyer, was married once only, and that the marriage occurred in 1841, and that said Edward Dyer was at the time of such marriage aged nineteen; that said Edward Dyer then married a Mrs. Barr, whose maiden name had been Woodward; that such wedding occurred in or near Rensselaer, Indiana. That said Clark was married, when he was twenty, and at that time, said Edward Dyer told said Clark he (Dyer) was married when he was nineteen. That said Clark on one occasion heard said Edward Dyer state what his (Dyer's) mother's name was, and that it was "Nellie". That said Edward Dyer told said Clark he had two sisters. That said Edward Dyer told said Clark that his (Dyer's) mother was married twice; that his (Dyer's) father died, when he (Dyer) was quite young, that he recalled that, as a child, he noticed the absence of chopping in the woods, asked his mother why it was, and she told said Dyer his father was dead. That said Clark will state he thinks said Edward Dyer was a child of the second marriage of his (Dyer's) mother. That said Edward Dyer could speak an Indian tongue, that said Clark has heard him do so often, but what tongue, he couldn't recollect on recent date. That said Edward Dyer once told said Clark that, when Spring and Fall came, he felt like moving, that he guessed it was because of the presence of Indian blood in him, because his mother was part Indian. That said Edward Dyer once remarked to said Clark that he used to be called "Jerry", that that was his real name, but that he (Dyer) didn't like the name, and had changed it to "Ed". That said Clark has heard said Edward Dyer speak of Nachez, Mississippi, as a place, where said Edward Dyer had been when young.

That said Clark has heard, as aforesaid, said Edward Dyer state that he lived in or near Rensselaer, Indiana, in the early days, when he was a young man, that he went from there to Attica, Indiana, and, as said Clark recalls, from Attica to Kankakee County, Illinois, where he died. That said Edward Dyer visited in Jasper County, Indiana, ~~xxxx~~ in the 1870s, taking said Clark along as a small boy, and then visited at a Mr. Pancoast's, said Dyer's daughter, Chloa Childs, living at said Pancoast's at the time, and that on this trip, said Dyer visited some of his former chums. That said Edward Dyer was a blacksmith by trade, but, when in Kankakee County, Illinois, for most of the time, he was a farmer. That said Edward Dyer took a Southern trip some few years before he died. That said Edward Dyer was skilled as a hunter, and skilled in wood-craft.

Applicant therefore asks for a commission to issue to take the deposition of said Charles A. Clark.

Florence L. Clemens

Subscribed and sworn to before me this

4th day of May, A.D. 1903.

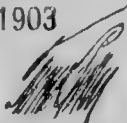
C. K. Cannon
Notary Public.

My Commission expires Sept 20 - 1906

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

FILED

MAY 9 1903

A handwritten signature in dark ink, appearing to be "J. H. ...", written over the "FILED" and "MAY 9 1903" text.

CHAIRMAN.

United States of America
~~State of Illinois~~
Department of the Interior
Before the Commissioner ~~COUNTY~~
to the Five Civilized Tribes,
Sitting at Muskogee, I. T. ~~Court~~

—H—

~~Form A. D. 190.~~

In re application of Florence
L. Clemens, et al, for
— identification & enrollment
as Mississippi Choctaws

—H—

Affidavit of Florence
L. Clemens for deposition
of Charles A. Clark

—H—

Filed this day of 190

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

An Atty

FOR

Claimants

United States of America,
Department of the Interior. } 55

Before the Commission to the Five Civilized
Tribes, sitting at Muskogee, Indian Territory.

In re application of Florence L. Clemens for
enrollment in the Choctaw Nation, as a Mississippi
Choctaw.

Comes now Florence L. Clemens, the applicant
in the above entitled cause, and shows that on
March 24th, 1903, she personally appeared before
said Commission, or its representative, at Muskogee,
Indian Territory, and made her application for
enrollment as a Mississippi Choctaw; that she at
the same time gave certain testimony to substantiate
her claim; that she was then given thirty days
in which to complete her proofs; that she

has been duly diligent in prosecuting inquiries
since such March 24th, 1903, her real work being
done after her return home, she arriving at her home
on March 28th, 1903, having had to wait in Muskogee,
Indian Territory, until March 26th, 1903, to receive
moneys from her people to get home with. That
she, personally, had had no knowledge of the
benefits to be derived to her by enrolling with said
Commission to the Five Civilized Tribes, and by
availing herself of the fact of her Indian
ancestry, eleven days before said March 24th,
1903; in fact when she first heard of it, she
knew little of the facts, and did not see her
attorneys until March 20th, 1903. As she left
home on March 21st, 1903, for Muskogee, aforesaid,
she had no time to get her evidence in shape,

before her personal application, and her time since has been limited. That, while she has obtained some affidavits, going to prove facts material to establish her cause, yet she and her attorney have a number of clues they desire to follow up—just what they can find is problematical, but she feels they should be permitted the time to make the effort. Further, that, owing to the rule, established by said Commission, which requires fifteen days notice to be given opposing parties, before depositions will issue, such time added to the time the course of mails will take, and the time required in the preparation of her case, she fears will not permit her to get much material proof before said Commission, ^{inside the thirty days, from March 24, 1903.} Owing to the causes and matters above set forth applicant therefore asks for an extension of time in which she may produce proofs in support of her case; if it may be, that she be given an additional fifteen, or better, thirty days, from the time heretofore limited to her.

Florence L. Clemens,

State of Indiana, }
Jasper County. } ss

Florence L. Clemens being first duly sworn, in oath states that she has read the foregoing and that the matters and things therein stated are true, and that applicant ^{truly believes her case to be meritorious and that she can show it and if given the opportunity.} Florence L. Clemens.

Subscribed and sworn to before
me this sixth day of April, A.D. 1903

Notary Public, Ind.
Jasper Co., 1903

B. F. Ferguson
Notary Public

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

FILED

APR 20 1903

A handwritten signature in dark ink, appearing to be "W. H. H. H.", written over the date stamp.

CHAIRMAN.

United States of America, (ss
Department of the Interior.

Before the Commission to the Five Civilized Tribes, sitting at Muskogee, Indian Territory.

In re application of Florence L. Clemens, et al, for identification and enrollment as members of the Choctaw Nation, as Mississippi Choctaws.

—#—

State of Indiana, (ss
County of Lake.

Florence L. Clemens, being first duly sworn, on oath states as follows, - that she is the applicant in the above entitled cause on behalf of herself and her minor children; that James N. Moore, who resides in, and has his post-office address at Shelby, State of Indiana, affiant believes to be a material witness for her in support of her said application; that, as aforesaid, said James N. Moore is not a resident of either the State of Mississippi, or of Indian Territory.

That affiant expects to show by said James N. Moore that he was acquainted with affiant's grand-father, Edward Dyer, in his lifetime; that said James N. Moore lived near Sherburnville, Kankakee County, Illinois, from 1842 to 1862, and that said Moore lived at Lowell, Indiana, a town about seven or eight miles away from said Sherburnville, from 1862 until very recently, when said Moore moved to Shelby, aforesaid.

That said Edward Dyer was first met by said Moore, when he (said Moore, was a twelve year old boy and had gone to said Dyer's blacksmith shop near Sherburnville, aforesaid, to have some work done for Moore's father. That said Moore knew said Dyer as a neighbor, and met him from time to time, even after said Moore moved to Laurel, aforesaid. That some fifty-five years ago said Moore met a half brother of said Edward Dyer in Kan Ka Kee County, Illinois, and said Moore thinks such half brother of said Dyer lived for a short period in Yellowhead Township, Kan Ka Kee County, aforesaid. That said Moore, when he met said half brother of said Dyer, met, also, a daughter of said half brother, and, when said Moore was in the State of Kansas visiting in 1876, said Moore by chance called at a house near Manhattan, Kansas, and found the lady of the house to be this daughter of said half brother of said Dyer, and said Moore and said daughter of said half brother of said Dyer talked over their mutual acquaintances near Sherburnville, aforesaid. That it is said Moore's recollection that such half brother of said Dyer was named "Asberry". Affiant further states that said Moore will testify that he believes said Asberry lived or stayed in said Kan Ka Kee County, aforesaid but for a short time; or he feels he would recollect more about him; that, as a

(3)

neighbor, it was said Moore's understanding
that said Edward Dyer was a Southern
man.

Affiant further states she believes
the foregoing material on her behalf
herein, and therefore asks for a commission
to issue to take the deposition of said
James M. Moore.

Florence L. Clement

Subscribed and sworn
to before me this Twenty-second
Day of May, A.D. 1903.

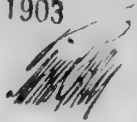
[Signature] Notary Public.

My Commission expires Sept 30-1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UNDEVELOPED TRIBES.

FILED

JUL 6 1903

A handwritten signature in dark ink, appearing to be "John H. ...", written over the typed name "John H. ...".

CHAIRMAN

United States of America,
~~State of Illinois,~~
Department of the Interior.

Before the Commission to
~~the~~ Five Civilized ~~Council~~
Tribes, sitting at Muskogee,
Indian Territory ~~Form A. D. 190~~

In re application of
Florence L. Clemens, et al,
for identification as
Mississippi Choctaws.

Affidant of Florence
L. Clemens, for depo-
sition of James N. Moore

-Filed this day of 190

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA, ILLINOIS.

an Atty. FOR claimants.

United States of America, {
Department of the Interior. } 58

Before the Commission to the Five Civilized
Tribes, sitting at Muskogee, Indian Territory.

In re application of Florence L. Clemens,
et al, for identification and enrollment as
members of the Choctaw Nation, as
Mississippi Choctaws.

—#—

State of Indiana, {
County of Lake. } 58

Florence L. Clemens, being first duly sworn, on
oath states as follows; that she is the applicant in
the above entitled cause on behalf of herself and her
minor children; that Jasper V. Cleavers, who lives
near Shelby, Indiana, that is and more particularly, in
Bedard Creek Township, Lake County, State of Indiana,
and whose post-office address is Orchard Grove,
Indiana, affiant believes to be a material witness for
her in support of her said application; that, as
aforesaid, said Jasper V. Cleavers is not a resident
of either the State of Mississippi, or of Indian Territory.

That affiant expects to show by said Jasper V.
Cleavers that he and his parents moved to Sherburn-
ville, Kankakee County, Illinois, about the year, 1860,
and that they were neighbors there to Edward Dyer,
the grand-father of this affiant; that the home of Dyer
was but thirty to forty rods away from said Cleavers'
home; that in said 1860 said Edward Dyer operated
a blacksmith shop on one side of the business street
of Sherburnville, aforesaid, and said Cleavers' father ran
a wagon shop directly opposite thereto; that the two

families were intimate for many years. That as a little boy, said Cleavers was in said Edward Dyer's Shop, said Dyer running it until 1863 or 1864, thereafter using it only occasionally; that, as a boy, youth and young man, said Cleavers was an intimate of said Edward Dyer's home. That said Edward Dyer lived at Sherburne from 1860 to the time of his death, and had lived there some time prior to 1860. That said Cleavers' father and said Edward Dyer were close friends and said Cleavers has overheard many conversations conducted between them. That from such conversations, so overheard by said Cleavers between such persons, said Cleavers learned that said Edward Dyer had a half brother said Cleavers' father had met at some time during his stay in Grantapee County, Illinois, and in such County; that this half brother of said Dyer would come up for discussion between said Cleavers' father and said Dyer, and, in such connection, the names "George" and "Osberry" would be used; that on recent date said Cleavers would not positively say that such half brother of Dyer, aforesaid, was George Osberry, but such names were always used, when said Dyer's said half brother was discussed, as aforesaid. Further that said Cleavers had heard said Edward Dyer speak of a sister of his, but what her name was, he cannot now recall. That said Edward Dyer told said Cleavers that his (said Dyer's) mother's name was "Nellie". That said Cleavers and Clara Clark (nee Dyer), daughter of said Edward Dyer, were childhood friends, and said Clara had a colt, which was named "Nellie" and

said Clara told said Cleaves it was named for her (Clara Dyer's) father's mother. Further that said Cleaves has heard said Edward Dyer speak of "Oxberrys" frequently and as relatives of his, and has heard said Edward Dyer speak of "Fraziers" frequently, but whether the Fraziers were relatives, or merely acquaintances, said Cleaves couldn't recall on recent date.

Affiant further states that she expects to show by said Cleaves that said Edward Dyer's half brother, aforesaid, was older than said Dyer.

Affiant further states she believes the foregoing material on her behalf herein, and therefore asks ~~that~~ for a commission to issue to take the deposition of said Jasper V. Cleaves.

Horace L. Cleaves

Subscribed and sworn to
before me this Twenty-second
Day of May, A.D. 1903

E. A. Larson, Notary Public.

My commission Expires Sept 20 - 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE UNITED STATES TRIBES

FILE NO.

JUL 6 1903

Handwritten signature

CHAIRMAN

~~United States of America,~~
~~State of Illinois,~~
Department of the Interior,

Before the Commission
~~to the Five Civilized~~ ~~Council~~
Tribes, sitting at Muskogee,
Indian Territory Term A. D. 190

In re application of
Florence L. Clemens, et al,
for identification as
Mississippi Choctaws.

Affidant of Florence
L. Clemens, for deposition
of Jasper V. Cleavers

Filed this ... day of ... 190 ...

CLERK.

DEPUTY

GEORGE P. HILLS

ATTORNEY AT LAW

OTTAWA,

ILLINOIS.

an Atty

FOR

Claimants

United States of America
Department of Interior

Before the Commission
of the Five Civilized Tribes
Sitting at Muskogee, Indian
Territory.

In re application of
Florence L. Clemons,
Et al.

Affidavit.

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

FILED

MAY 25 1903


CHAIRMAN

United States of America. :
Department of the Interior. :

Before the commission of the five civilized Tribes sitting at Muskogee, Indian Territory. In re application of Florence L. Clemens et al, for identification and enrollment as a Mississippi Choctaw.

State of Illinois. :
: ss.
La Salle County. :

Frank F. Follett, being first duly sworn on oath states as follows; that he is a resident of the City of Ottawa and State of Illinois and that he is a practicing attorney in said City of Ottawa and is one of the attorneys connected with the above entitled cause.

Affiant further states that he is informed and believes that Chloa Childs, a daughter of one Edward or Jeremiah Dyer, the grandfather of one of the above claimants, viz Florence L. Clemens, will be a most material witness in behalf of the claimants herein if she can be found and her affidavit and depositions taken.

Affiant further states that he is informed and believes that the last known place of residence of said Chloa Childs was at Union City, State of Indiana.

Affiant further is informed and believes that the claimant Florence L. Clemens caused a diligent search to be made of Union City, Indiana, by the City Marshall of said City and by the Editor of one of the Newspapers published in said City to find if said Chloa Childs was still in said City; that affiant is further informed and believes that a telegram was sent to the Postmaster of said City asking him if such a person lived there or get their mail there and that she received a negative answer from such Postmaster; affiant further is informed and believes that the search conducted by the said Marshall and Editor as aforesaid was conducted not only in that part of Union City which lies in Indiana but also in that part which is within the State of Ohio; that these endeavors by said Claimant failed to show such Mrs. Childs to reside in Union City at the present time and failed to show where she now is .

Affiant further states that the only other clue known to any one interested in this claim, either as party litigant or attorney tending to show where said Mrs. Childs could now be found arises out of the receipt, by some of Mrs. Childs former acquaintances living near Hennepin, Illinois, during the winter last past of a photograph of said Mrs. Childs and her grand-child that the post mark upon the package containing this photo, affiant is informed and believes is so blurred that no one can ascertain from such postmark the place at which said photo was mailed.

Affiant further states on information and belief that such photo has stamped upon it the name of "Dennis" presumably the name of the photographer who took such picture but has upon it no other mark, name or clue or the places of residence of those who are shown in said picture.

Affiant further states upon information and belief that diligent inquiry has been conducted among the relatives and friends of said Chiles Childs living near Hennepin, Illinois, to ascertain Mrs. Child's address and that none of them seem to know the same, it appearing that Mrs. Childs is not on good terms with some of her relatives and has taken such means as lay in her power to conceal herself from them and cut off all communications with them.

Affiant further states that he has personally endeavored to use the word "Dennis" as aforesaid as a clue by which to find out Mrs. Child's address, in these endeavors he has spent the greater part of two days in the City of Chicago, Illinois, within the week past having called on at least twenty-five photographic supply houses and inquiring of them if they had upon their mailing list any photographer by the name of "Dennis" in the State of Indiana or adjoining states. That in the course of these inquiries he learned of the existence of a book which contains a list of the photographers doing business within the States tributary in purchasing to Chicago, Illinois. To find this book (which to date he has not found) he called upon not less than six of the leading wholesale and retail book dealers of Chicago and publishers. From these inquiries conducted by affiant he learns that there are many people by the name of "Dennis" who are photographers in the state tributary

to such use as the Commission may deem proper in the interest of justice and to such use as the Commission may deem proper in the interest of justice

to Chicago as aforesaid, but with the limit as now fixed in this case for the introduction of proof, namely, May 24th., 1903, it will be impossible to conduct the necessary inquiries as to obtain knowledge of Mrs. Childs among these various "Dennises".

Affiant further states that this information about the same upon said Mrs. Childs photograph is comparatively recent to affiant and his associate and it has not been possible, because of other pressing business to follow up the other clues in this case to work upon the clue arising from the word "Dennis" before the week last past.

Affiant therefore asks on behalf of claimants herein that an extension may be granted claimants in this case for the purpose to endeavor to find said Mrs. Childs and to procure her affidavit and her deposition if it may be.

Affiant states upon information and belief that the said Mrs. Childs was a favorite child of Edward or Jeremiah Eyer in his life time and he anticipates that in consequence she has heard many references by said Eyer to his place of residence during his youth, his acquaintances during youth and his relatives, all of which if shown affiant believes would be material to identification to Edward or Jeremiah Eyer the son of Nellie Eyer both of whom were duly registered under the treaty of 1830 as appears by the records in the possession of this Commission.

Further affiant saith not.

Frank J. Collett

Subscribed and sworn to before me
this 21st., day of May, 1903.

Lawrence B. Hillman
Notary Public

My com. expires March 5 - 1904.

M C R 7302

Muskogee, Indian Territory, January 26, 1904.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you request that the Commission fix some date prior to February 3, 1904, for the purpose of hearing the testimony of certain witnesses you desire to present at Tishomingo, Indian Territory, in the matter of the application for identification as Mississippi Choctaws of Florence L. Clemens, et al., M C R 7302.

Replying to your letter you are advised that the Commission will, at the Chickasaw Land Office, at Tishomingo, Indian Territory, on Monday, February 1, 1904, at ten o'clock A. M., hear the testimony of such witnesses as may be presented by you in the matter of the application of Florence L. Clemens, et al. for identification as Mississippi Choctaws; proof of service of notice of the taking of such testimony upon the applicant and her attorney of record, George P. Hills, Ottawa, Illinois, being first submitted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 20, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of David Howels, John B. Clemens, Charles Palmer Wright, Jared Benjamin and A. Cicero Pancost; also certificate of John F. Major as to the burning of the records of Jasper county, Indiana; certified copy of deed from Edward Dyer and Mariah Louisa Dyer to George W. Spitler; certified copy of patent issued to Edward Dyer; certified copy of mortgage from Edward Dyer and Louisa Dyer to George W. Spitler, offered in support of the Mississippi Choctaw case of Florence Clemens, et al., and the same have been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 20, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

The Commission is in receipt of the affidavits of Florence L. Clemens, wherein she sets forth her reasons for desiring to have the depositions of A. Cicero Pancoast, John B. Clemens, Charles Palmer Wright, David Nowels and Jared Benjamin taken in support of her application pending before the Commission to the Five Civilized Tribes, together with the interrogatories to be propounded to said witnesses, and also papers purporting to be affidavits of said witnesses, which are neither signed nor sworn to.

These papers are, herewith, returned to you for the reason that the affidavits of Florence L. Clemens do not set forth the evidence sought to be adduced in the taking of such depositions, as required by sub-division B, rule 2, of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, of which a copy is, herewith, enclosed, and for the further reason that no service has been made upon the attorneys for the Choctaw and Chickasaw Nations as required by rules 12 and 13 of said rules.

G. P. H.--#2.

It will not be necessary to file the blank affidavits of the witnesses, as, in the affidavit of the applicant the general substance of the testimony sought to be adduced must be stated.

In order that you will have no further trouble in regard to service of copies of interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, we would suggest that you have said interrogatories prepared in duplicates and forward the original and also the copy to the United States Marshal for the Central District, Indian Territory, at South McAlester, Indian Territory, with instructions to have him serve the copy upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and after said service, have him make proof thereof on the back of the original interrogatories and return them to you; upon receipt of which you are to forward same, together with the affidavit of Florence L. Clemens, to the Commission at this place, and if the same are in proper form they will be filed with and made a part of the record in her application and you will be notified of the same.

The Commission requires that a separate set of interrogatories be prepared for each witness whose depositions you desire to have taken, as a separate commission is issued by the Commission for each deposition.

Respectfully,

Enclosures:
J.D. #1, 2, 3, 4, 5, 6, & 7.
Rules & Regulations.

Chairman.

M.C.R. 7302.

Muskogee, Indian Territory, April 20, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find copy of the decision of the Commission upon the motion of Florence L. Clemens, an applicant for identification as a Mississippi Choctaw, which was filed by you in said application.

You will note that this decision grants the applicant a continuance of thirty days from the 24th of April, 1903, in which to have the depositions of certain witnesses taken in support of her said application.

Respectfully,

Enclosures:
J. D. #10.

Chairman.

Muskogee, Indian Territory, April 30, 1903.

George T. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 23, 1903, in which you call attention to the difficulty experienced by you in taking certain depositions in support of the application of Florence L. Clemens, et al. for identification as Mississippi Choctaws. You ask that additional time be granted you if it appears impossible to get depositions returned by May 24th.

In reply to your communication you are advised that after the commission to take the depositions is issued you will be allowed sufficient time within which to return the same before the matter will be taken up for final consideration.

You are further advised that it appears from our records that on April 25, 1903, there was filed with the Commission certificate of marriage of David Love and Martha J. Dyer. It does not appear from our records that the marriage certificate of George W. Clemens and Florence Love Clemens has been filed in this case.

Respectfully,

Chairman.

M C R 7302

Muskogee, Indian Territory, May 9, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of the marriage certificate between George W. Clemens and Florence L. Love, offered in support of the Mississippi Chestaw case of Florence L. Clemens, et al. Said certificate is herewith returned you, a certified copy of the same having been made and filed with the record in this case.

Respectfully,

Chairman.

McM 666

Muskogee, Indian Territory, May 9, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

The Commission is in receipt of the affidavits of Florence L. Clemens wherein she sets forth the reasons for desiring to have certain depositions taken in support of the application which she made in behalf of herself and her four minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses, with proof of service thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Florence L. Clemens, et al., M.C.R. 7302, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

M C R 7302

Muskogee, Indian Territory, May 12, 1903.

Geo. P. Mills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state that Messrs. Givens & Jackson have forwarded you a copy of the testimony in the Mississippi Choctaw case of Florence L. Clemens, et al., and that you think the stenographer in reporting the same used the word "scrip" instead of "slaves." You ask that this be corrected.

In reply you are informed that the stenographic notes in this case have been examined and found to compare with the testimony as written up.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 16, 1903.

George F. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of the interrogatories to be propounded to Lodemia Park in behalf of Florence L. Clemens, et al., applicants for identification as Mississippi Choctaws.

Your attention is respectfully called to Rules 1 and 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions wherein it is provided that the applicant must file with this Commission an affidavit setting forth reasons 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 and also state the full name and residence of such witness. For your guidance you will find enclosed a copy of said Rules and Regulations.

As this necessary affidavit has not been filed, the interrogatories are herewith returned.

Respectfully,

Commissioner in Charge.

Enc. HGH 1
Rules and Regulations.

Muskogee, Indian Territory, May 16, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of the interrogatories to be propounded to Ledemia Clark in behalf of Florence L. Clemens, et al., applicants for identification as Mississippi Choctaws.

Your attention is respectfully called to Rules 1 and 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions wherein it is provided that the applicant must file with this Commission an affidavit setting forth reasons 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 and also state the full name and residence of such witness. For your guidance you will find enclosed a copy of said Rules and Regulations.

As this necessary affidavit has not been filed, the interrogatories are herewith returned.

Respectfully,

Enc. HGH 1
Rules and Regulations.

Chairman.

M C R 7302

Muskogee, Indian Territory, May 18, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing affidavits of Ledia Clark and Charles A. Clark offered in support of the Mississippi Chestaw case of Florence L. Clemens, et al. The same have been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7302.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

✓
20
4
Enclosed please find commission to take the deposition of Charles A. Clark, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J.D. #25.

Chairman.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Charles A. Clark, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #25.

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Frank F. Follett, offered in support of the Mississippi Choctaw case of Florence L. Clemens, et al. The same has been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7302.

Muskegee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of John B. Clemens, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #27.

Commissioner in Charge.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of David Howels, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. #30.

Commissioner in Charge.

M.C.R. 7302.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Jared Benjamin, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #26.

Commissioner in Charge.

M.C.R. 7302.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Charles Palmer Wright, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. #28.

Commissioner in Charge.

Muskegee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Jared Benjamin, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J.D. #26.

Chairman.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of
✓ John B. Clemens, same to be read in evidence in the matter of the
application for identification as Mississippi Choctaws, of Florence
B. Clemens, et al., pending before the Commission to the Five
Civilized Tribes. Attached to this commission are the direct and
cross interrogatories to be propounded to said witness; also a
caption and certificate which are to be filled out by the officer
before whom this deposition is taken.

You will hand these documents to an officer authorized by
law to take depositions and instruct him, immediately upon the com-
pletion of the taking of this deposition, to return same to this
Commission in order that the application in which they are to be
filed may be brought to an early determination as possible.

Respectfully,

Enclosures:
J.D. #27.

Chairman.

M. C. R. 7302.

Muskogee, Indian Territory, May 25, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of A. Cicero Pancoast, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. #29.

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, May 26, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 23rd instant, enclosing the affidavits of Jasper V. Cleavers and James H. Moore, offered in support of the Mississippi Choctaw case of Florence L. Clemens, et al. The same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

M.C.R. 7302.

Muskogee, Indian Territory, June 1, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Dear Sir:

The Commission is in receipt of the affidavits of Florence L. Clemens, wherein she sets forth her reasons for desiring to have certain depositions taken in support of her application which she made in behalf of herself and her minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Florence L. Clemens, et al., M.C.R. 7302, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, commissions will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Receipt is also acknowledged of your affidavit wherein you state that the stenographer in reporting his notes in the above case used the word "scrip" instead of "slaves" and ask that the same be

George P. Hills--#2.

corrected.

In reply you are informed that the stenographic notes in this case have again been examined and are found to compare with the testimony as written up.

Respectfully,

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, June 2, 1903.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask that the commission to take the deposition of Charles P. Wright be forwarded to you at once.

In reply you are informed that on May 25, 1903, there was addressed to you a letter enclosing the commission to take such deposition.

Respectfully,

Commissioner in Charge.

M.C.R. 7302.

Muskogee, Indian Territory, July 1, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Jasper V. Cleavers, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #3.

Chairman.

M.C.R. 7302.

Muskogee, Indian Territory, July 1, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of Lodemia Clark, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #2.

Chairman.

M.C.R. 7302.

Muskogee, Indian Territory, July 1, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Sir:

Enclosed please find commission to take the deposition of James N. Moore, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Florence L. Clemens, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #4.

Chairman.

M.C.R. 7302.

Muskogee, Indian Territory, July 8, 1903.

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your affidavit wherein you state that the stenographer in reporting his notes in the case of Florence L. Clemens, et al., M.C.R. 7302, used the word "scrip" instead of "slaves" and ask that the same be corrected.

In reply you are informed that the stenographic notes in this case have again been examined and are found to agree with the testimony as written up. Your affidavit is, herewith, returned.

Respectfully,

Enclosure:
J.D. #20.

Commissioner in Charge.

Muskogee, Indian Territory, November 3, 1903.

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

Gentlemen:

It appears from the records of the Commission that on March 24, 1903, Florence L. Clemens appeared before this Commission and made application for herself and four minor children for identification as Mississippi Choctaws.

From the evidence submitted in support of said application, it appears that the principal applicant is a descendant of one Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Dyer, who was a son of Nellie Dyer by her second husband; that Nellie Dyer was formerly the wife of one Oxberry, by whom she had several children, one of whom bore the name of George; that Jerry (or Jeremiah, or Edward, or Ed, or Edward Jeremiah) Dyer was born in 1822, and was, at the date of the treaty, under ten years of age.

From an examination of the records in the possession of the Commission it appears that the names of Jeremiah and Nellie Dyer appear on page 247 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a list of claims proved and allowed in Capt.

M McM & C 2

Anthony Turnbull's Company, wherein it appears that Nelly Dyer was a quarter blood Choctaw Indian; that she, at the time of the treaty, had six children over ten years of age and one under ten years of age whose name was given as Jeremiah Dyer, and that Nelly Dyer had previously been married to one Oxberry, by whom she had three children, one of whom bore the name of George.

The evidence tends to show that the ancestors, through whom these applicants claim, are identical with the persons whose names appear in the record above cited, and you are therefore informed that you will be allowed thirty days from this date in which to examine the record in said case and present such evidence as you may desire, on behalf of the Nations.

Respectfully,

Chairman.

M C R 7302

Muskogee, Indian Territory, December 7, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state "We are now engaged in making such investigation into the Mississippi Choctaw case of Florence L. Clemens, et al., M. C. R. 7302, as will enable us to take the necessary steps to protect the interests of the Choctaw and Chickasaw Nations therein; and to request that the time within which we may act to that end be extended sixty days."

In reply you are informed that you will be allowed sixty days from December 3, 1903, within which to offer any testimony you may desire in this case, notice of the day and time of the taking of the same being first served upon the applicants and their attorney of record, in order that they may be present if they so desire.

Respectfully,

Chairman.

M C R 7302

Muskogee, Indian Territory, January 26, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Upon the request of Messrs. Mansfield, McMurray & Cornish, the testimony of certain witnesses desired to be presented by them will be heard at your office on Monday, February 1, 1904, at ten o'clock A. M., in the matter of the application of Florence L. Clemens, et al. for identification as Mississippi Choctaws.

Mr. O. L. Johnson, law clerk, has been directed to proceed to Tishomingo for the purpose of taking this testimony, and you are requested to supply Mr. Johnson with a stenographer for this purpose, and direct such stenographer to transcribe the testimony taken in this procedure at the earliest practicable date so that the same may be incorporated in the record in this case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 26, 1904.

James M. Givens,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that upon the request of Messrs. Mansfield, McGurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, the Commission will, at the Chickasaw Land Office at Tishomingo, Indian Territory, on Monday, February 1, 1904, at ten o'clock A. M., hear the testimony of such witnesses as may be presented by the attorneys for the Nations in the matter of the application of Florence L. Clemens, et al. for identification as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, January 26, 1904.

W. C. Jackson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that upon the request of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, the Commission will, at the Chickasaw Land Office at Tishomingo, Indian Territory, on Monday, February 1, 1904, at 10 o'clock A. M., hear the testimony of such witnesses as may be presented by the attorneys for the Nations in the matter of the application for identification as Mississippi Choctaws of Florence L. Clemens, et al.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 26, 1904.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

You are hereby advised that upon the request of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, the Commission will, at the Chickasaw Land Office at Tishomingo, Indian Territory, on Monday, February 1, 1904, at ten o'clock A. M., hear the testimony of such witnesses as may be presented by the attorneys for the Nations in the matter of the application of Florence L. Clemens, et al. for identification as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, February 9, 1904.

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

Gentlemen:

In compliance with your request of the 4th instant there is herewith enclosed one copy of the testimony taken at Tishomingo, Indian Territory, February 1 and 2, 1904, in the Mississippi Choctaw case of Florence L. Clemens, et al.

Respectfully,

Commissioner in Charge.

McM 55

M C R 7302

Muskogee, Indian Territory, February 9, 1904.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 29, 1904, in which you state that you could not be present at Tishomingo, Indian Territory, February 1, 1904, at the hearing of testimony offered by witnesses on behalf of the Choctaw and Chickasaw Nations in the Mississippi Choctaw case of Florence L. Clemens, et al. You state that you wired Givens & Jackson, Muskogee, Indian Territory, to attend to this matter for you.

In reply you are advised that at the Chickasaw Land Office, Tishomingo, Indian Territory, on February 1st and 2nd, 1904, the attorneys for the Choctaw and Chickasaw Nations submitted the testimony of Josiah Brown, Joseph Bynum, Mary Harkins, Jane Tussy, in the above entitled cause.

At the request of Givens & Jackson, Chas. Von Weise, of Tishomingo, appeared in behalf of the applicants.

Respectfully,

Commissioner in Charge.

M C R 7302

Muskogee, Indian Territory, February 10, 1904.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

There is herewith enclosed you one copy of the testimony of Josiah Brown, Joseph Bynum, Mary Harkins, and Jane Tussy, taken at the Chickasaw Land Office, Tishomingo, Indian Territory, February 1st and 2nd, 1904, in the ~~Mississippi~~ Choctaw case of Florence L. Clemens, et al.

Respectfully,

Commissioner in Charge.

McM 00

M C R 7302

Muskogee, Indian Territory, March 22, 1904.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing brief and motion in the Mississippi Choctaw case of Florence L. Clemens, et al. The same have been filed with the record in the case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 4, 1904.

Geo. P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, 1904, enclosing reply brief in support of the Mississippi Choctaw case of Florence L. Clemens, et al.,. The same is returned to you herewith, for the reason that before same can be accepted by the Commission, proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Messrs. Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of a copy of such brief must be filed with the Commission. Such service may be procured by sending the original brief and a copy thereof to the United States Marshal, South McAlester, Indian Territory, with instructions to make service of the copy upon the said attorneys, returning the original, with proof of service, to this Commission.

Respectfully,

Commissioner in Charge.

JYM-8.

M.C.R. 7302

Muskogee, Indian Territory, April 12, 1904.-

George P. Hills,
Attorney-at-Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, 1904, in which you state that you have mailed to the United States Marshal, at South McAlester, Indian Territory, your brief and argument in the Mississippi Choctaw case of Florence L. Clemens, et al., with the request that service of same be made upon Messrs. Mansfield, McMurray & Cornish, and that the original be forwarded by the Marshal to this office.

In reply you are advised that a proper record has been made of your letter.

Respectfully,

Commissioner in Charge.

COPY. M. C. R. 7302.

Muskogee, Indian Territory, June 15, 1904.

Florence L. Clemens,
Kersey, Indiana,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your children, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens.

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

Respectfully,

(SIGNED)

Yame Dixby.
Chairman.

Registered.

M. C. R. 7302.

COPY.

Muskogee, Indian Territory, June 15, 1904.

James M. Givens,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Florence I. Clemens and her four minor children, Glenn Clemens, Lovell Clemens, Roy Clemens and Charles Clemens.

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

Respectfully,

(SIGNED)

Wm. H. Hobby.

Commissioner.

Registered.

M. C. R. 7302.

COPY.

Muskogee, Indian Territory, June 15, 1904.

George P. Hills, *Remailed to Ottawa, Illinois*
~~Care Charles von Weiss,~~ *July 23/04.*
Attorney at Law,
~~Tishomingo, Indian Territory.~~

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of Florence L. Clemens and her four minor children, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens.

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

Respectfully,

(SIGNED)

Tamm Dixby.

Chairman.

Registered.

M. C. R. 7302.

COPY.

Muskogee, Indian Territory, June 15, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 15, 1904, refusing the application for the identification as Mississippi Choctaws of Florence L. Clemens, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens.

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

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Incl. MCR. 7302.

COPY!

Waskage, Indian Territory, July 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Florence L. Clemens, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 15, 1904.

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

2 enc. H.C.R. 7302.

Muskogee, Indian Territory, July 6, 1904.

Geo. P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultime, in which you ask to be advised if your brief and argument in support of the Mississippi Choctaw case of Florence L. Clemens, et al. was received at this office. You request that the record in this case be not forwarded to the Department until you can file a copy of your argument, if the original has not been received.

In reply you are informed that on July 1, 1904, the record in the Mississippi Choctaw case of Florence L. Clemens, et al., together with the Commission's decision refusing the application, and the arguments of yourself on behalf of the claimants and of Mansfield, McFurray & Cornish on behalf of the Choctaw and Chickasaw Nations, was forwarded to the Secretary of the Interior.

When the Commission is advised of departmental action in this case you will be promptly notified thereof.

Respectfully,

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
43907-1904.

Washington, January 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the consolidated application of Florence L. Clemens for herself and her four minor children, Glen, Levell, Boy and Charles Clemens for identification as Mississippi Choctaws wherein a decision adverse to their claims was rendered by the Commission on June 15, 1904.

The record in this case shows that the applicants found their claims to right to identification on their descent from Nelly Dyer through her son, Jeremiah, who was also claimed to have been known as Edward or Ed Dyer and Charles Harper, all of whom are alleged to have been Choctaw Indians and to have been beneficiaries under the 14th article of the Choctaw Treaty of 1830.

The Commission finds that the principal applicant on her first appearance before it displayed very little knowledge of her ancestors but subsequently an effort was made to show by circumstantial evidence in the form of affidavits and depositions that Florence L. Clemens is the daughter of David and Martha Love and that Martha Love was the daughter of Jeremiah or Edward

Dyer, who was the son of Nelly Dyer by her second husband; that Nelly Dyer's first husband's name was Oxberry, by whom she had several children, one of whom bore the name of George Oxberry; that Nelly Dyer also had two daughters by her second husband but whose names are not disclosed by the evidence. It is claimed that Jeremiah Dyer, the grandfather of the principal applicant, was born in Mississippi in 1822, and was at the date of the treaty under ten years of age, and removed in the early 40's to Indiana where in 1841 he married one Mrs. Barr; that he continued to reside in Indiana for some years, but finally removed to Illinois where he died in 1897 or 1898.

The Commission further finds from the testimony of witnesses introduced on behalf of the Choctaw and Chickasaw Nations that there are now living in the Chickasaw Nation descendants of Nelly Dyer and relatives of Jerry Dyer. From the testimony of Jane Tussy, one of these witnesses, it appears that she is seventy-one years of age, was born in Mississippi in 1823, removing to the Chickasaw Nation in 1834; that she is a niece of Nelly Dyer and a cousin of Jeremiah Dyer, who removed from Mississippi to the Chickasaw Nation, Indian Territory, in the year 1837; that she was well acquainted with these relatives as they resided in the Chickasaw Nation but a few miles from her residence and frequently exchanged visits; that Jerry Dyer married one Elsie Tontubbee, a Chickasaw by blood, and states that they had only one child, a boy, who died in childhood. She further states that Jeremiah Dyer never resided in Indiana or any other State except Mississippi, but continued to reside in

the Chickasaw Nation until his death, which occurred some time previous to the Civil War and that he was never known by any other name than Jerry.

Finally the Commission states it does not appear from the testimony and evidence offered in support of the application or from the records in its possession relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 and to persons who were claimants thereunder that Nelly Dyer, formerly Oxberry, or Jerry or Jeremiah or Edward Dyer through whom these applicants claim, or Charles Harper or ancestors less remote, signified an intention to comply with the provisions of article 14 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). For these reasons the Commission determined that the parties were not entitled to identification.

The records of this office show that on February 2, 1838, a claim was filed before Messrs. Murray and Vroom, Commissioners on the part of the United States under the Act of Congress approved March 3, 1837, in behalf of Nelly Dyer and her children, Pallas, George and Cyrus Oxberry, and Polly, Lucinda and Jeremiah Dyer. At that time Nelly Dyer with all the members of her family apparently, except George Oxberry, had gone west. When the testimony in her claim was taken Jeremiah was represented to be fifteen or sixteen years of age. The family lived on the SW/4 of Sec. 19, T. 24 N., R. 7 E., Yalobusha County, Missis-

issippi. The office has no record of the removal west to the Choctaw Nation by Nelly Dyer, but it has evidence of the fact that scrip which was issued in her behalf under the 14th article of the Choctaw Treaty was delivered by William Armstrong, Acting Superintendent of the Western Territory at the Choctaw Agency March 29, 1847, and on the same day the certificate of scrip due Jeremiah Dyer was also delivered; and while the record does not show it was delivered to him personally, the schedule upon which the information appears contains statements as to a number of persons receiving scrip as representatives of others who were deceased or not present. Another schedule furnished by Samuel M. Rutherford, Acting Superintendent of the Western Territory, shows that there was transferred to Polly Dyer and Lucinda Dyer scrip issued in their behalf under the 14th article of the Choctaw Treaty on the 16th day of February, 1849, and the additional statement is made that they arrived in the Choctaw country west July 1, 1845. A copy of the testimony taken in the Nelly Dyer case is enclosed for the information of the Department.

The records of this office do not show any person by the name of Charles Harper as having been a beneficiary under the provisions of the 14th article of the Choctaw Treaty. The records of the office as herein set out show that so late as 1847 Jeremiah Dyer was in the Choctaw Nation, Indian Territory. The testimony of the witnesses in behalf of the claimants in this case is of such a character as to establish that their ancestor, Jeremiah Dyer, who removed to Indiana in the early 40's

and there married, could not have been the Jeremiah Dyer in behalf of whom scrip was issued under the 14th article of the Choctaw Treaty of 1830. I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

G. F. Larrabee,
Acting Commissioner.

KHG-WDW

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

C.R.

LLB

D.C. 6227-1905.

February 2, 1905.

I.T.D. 940-1905.

L.R.S.

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

Gentlemen:

July 1, 1904, you transmitted the record in the case of Florence L. Clemens, M.C.R. 7102, applicant for identification of herself and her four minor children, Glenn, Lovell, Boy, and Charles Clemens, as Mississippi Choctaws, including your decision of June 15, 1904, adverse to all the applicants.

January 26, 1905, the Acting Commissioner of Indian Affairs recommended that your decision be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation so made and your decision is hereby affirmed.

Respectfully,

Thos. Ryan
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 11, 1905.

Florence L. Clemens,
Kersey, Indiana.

Dear Madam:

You are hereby notified that on the 2nd day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of yourself, and of your minor children, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens, as Mississippi Choctaws, of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

SIGNED

James Bixby

Chairman.

M.C.R. 7302

COPY.

Muskogee, Indian Territory, February 11, 1905.

George P. Hills,
Attorney at Law,
Ottawa, Illinois.

Dear Sir:

You are hereby notified that on the 2nd day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of Florence L. Clemens, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens, as Mississippi Choctaws, of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

SIGNED:

James Bixby

Chairman.

M.C.R. 7302

COPY.

Muskogee, Indian Territory, February 11, 1905.

James M. Givens,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of Florence L. Clemens, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens, as Mississippi Choctaws, of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

SIGNED:

James Bixby

Chairman.

COPY.

M.C.R. 7302

Muskogee, Indian Territory, February 11, 1905.

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

Gentlemen:

You are hereby notified that on the 2nd day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Florence L. Clemens, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens, of which decision you were advised by mail on the 15th day of June, 1904.

Respectfully,

SIGNED.

Jams Bixby

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

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

212

REFER IN REPLY TO THE FOLLOWING:
M. C. R. 7302

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1906.

Florence L. Clemens,
Kersey, Indiana.

Dear Madam:

You are hereby notified that on the 2nd day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of yourself, and of your minor children, Glenn Clemens, Lovell Clemens, Boy Clemens and Charles Clemens, as Mississippi Choctaws, of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,



Chairman.

Received from the Commission to the
Five Civilized Tribes one copy of testimony in
case of Florence L. Clemmons, et al
W. C. 7302.

Gives Jackson
at

L

No. 7302

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Florence L. Clemens

Age 40 Blood Don't know

Post Office, Keweenaw, Ind.

Father: David Love, d

Mother: Martha " d

Claims through both parents

Husband

George W. Clemens, l. vv

No claim for husband

Children:

Glenn Clemens, 13

Lovell " 11

Boy " 5 ~~1/2~~

Charles " 3

Claims for self
and 4 minors

Stenographer Ches Hafford

1895

FILLED
MAR -3 1905
U.S. DEPARTMENT OF AGRICULTURE

INDIAN

INDIAN
MUSEUM



MUSKOGEE INDIAN T.
MUSEUM
12 M
1905

KEP
1905

Choctaw MCR 7303

Thomas J. Taylor

MCR 7303

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.
March 24, 1903.

---o---

In the matter of the application of Thomas J. Taylor for himself and his six minor children, Marion L., Julia A., Milbra E., Mary L. Jack L. and Lucy E. Taylor, as Mississippi Choctaws.

T. J. Cole attorney.

Thomas J. Taylor being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. Taylor.
- Q What is your age? A Fifty.
- Q What is your post office address? A Atoka, Indian Territory.
- Q How long have you lived there? A One year.
- Q Where did you live before that? A Moved from Arkansas.
- Q Born in Arkansas? A No, sir.
- Q Where? A Mississippi.
- Q Where in Mississippi? A Calhoun county.
- Q And went from there to Arkansas? A Yes, sir.
- Q How old when you went to Arkansas? A Lived in Arkansas about nineteen years.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was your father's name? A Seaborn Taylor.
- Q What was your mother's name? A Nannie.
- Q Do you claim through your father or mother? A Father.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Do you claim your father was one-fourth Choctaw Indian? A Yes, sir.
- Q Has he ever been recognized or enrolled as a choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Is you wife living? A Yes, sir.
- Q What is her race? A White.
- Q What is her name? A Mary M.
- Q Do you make any claim for her? A No, sir.
- Q How give me the name of your oldest child under age and unmarried?
A Marion L. Taylor.
- Q Boy? A Yes, sir.
- Q How old? A Eighteen.
- Q Next? A Julia A. Taylor, girl.
- Q How old? A Fourteen.
- Q Next? A Milbra E., girl.
- Q How old? A Twelve.
- Q The next? A Mary L.
- Q How old? A Ten.
- Q Next? A Jack L..
- Q How old? A Six.

- Q Next? A Lucy E.
 Q How old? A Three.
 Q Is that all? A Yes, sir.
 Q These are your minor children living with you at your home? A Yes, sir.
 Q Is Mary Taylor the mother of these children? A That is what I claim sir.
 Q Have you the proof of your marriage to your wife with you? A No, sir.
 Q Do you know when and where you married her? A Yes, sir.
 Q Tell it? A Union county Mississippi.
 Q What date? A March 11, 1874.
 Q By a minister under a license? A Yes, sir.
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Is this your first application for citizenship in the Choctaw Nation you ever made for yourself and children? A Yes, sir.
 Q Do you now want to be identified with them as Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen? A Yes, sir.
 Q Do you understand it or do you want it explained? A I don't understand it.

In 1830 a treaty 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 the Choctaw Indians from the old nation east of the Mississippi River to the Choctaw Nation Indian Territory. A great many Choctaw Indians would not go and in order to protect those Indians who stayed back in the old nation, article fourteen was drafted and put into the treaty.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten 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 that article or attempted to comply? A I don't know.
- Q Give me the name of your ancestor you claim through having Choctaw blood? A I don't know.
- Q Well can you go back further than your father? A No, sir.
- Q Then you claim through your father Seaborn Taylor? A Yes, sir.
- Q And you don't know about his father and mother? A No, sir.
- Q How much Choctaw blood did Seaborn Taylor have? A One-fourth.
- Q Did your father Seaborn Taylor live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did he ever live in Mississippi? A Yes, sir.
- Q Was he born there? A I think he was born in Tennessee.
- Q How old would he be if living now? A Close to one hundred years.
- Q And you don't know whether he lived there in 1830 or whether he had a family living there then? A I don't know.
- Q Did he go to Colonel Ward in Mississippi and register or attempt to register under article fourteen of that treaty? A I don't know.
- Q Did he live on land in the old Choctaw Nation, or any ancestor of yours live on land for five years and then get a patent from the government for that land? A I don't know.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or '40? A No, sir.
- Q Did any Choctaw ancestor go at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any Choctaw ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any Choctaw ancestor claim any land in the old Choctaw Nation under article fourteen? A I never heard.
- Q Did any go before a commission in 1837 or a commission in 1842 and claim any benefit under article fourteen? A I never heard.

These commissions were appointed to hear the complaints of Indians who tried to register under article fourteen but were refused by Colonel Ward and because he refused to register them their land was taken from them and sold.

- Q Did any Choctaw ancestor of yours receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Never heard.

Scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their land had been taken from them and sold.

- Q Do you speak Choctaw? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

- Q Have you any papers that you want to present to the Commission now? A No, sir.
- Q Who was R. L. Taylor? A My oldest brother.
- Q Who is F. M. Taylor? A That is my brother.
- Q Who is S. J. Taylor? A That is my brother.
- Q These brothers have all been before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q Do you want to have your case considered under the application of F. M. Taylor M.C.R. 6955? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown hair medium brown mustache and blue eyes, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen.

---o---

Chas. Diffendaffer, 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, taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 20 th day of April 1903.

Charles W. Sawyer

Notary Public.

M C R 7303

Muskogee, Indian Territory, April 16, 1903.

Thomas J. Taylor,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing affidavit of Robert B. Harmon and letter of H. Marshall addressed to Mr. A. L. Taylor, Atoka, Indian Territory, offered in support of the application made by Thomas J. Taylor for the identification of himself and minor children as Mississippi Choctaws. The same have been filed with the record in your case.

Respectfully,

Commissioner in Charge.

M C R 7303

Muskogee, Indian Territory, April 24, 1903.

Thomas J. Taylor,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of M. E. Springer relative to the marriage of Thomas J. Taylor to Mary M. Hamon, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 15, 1903.

Galloway, Heflin & Threadgill,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, wherein you ask the status of the Mississippi Choctaw case of Thomas J. Taylor, et al. You also ask if there is an attorney employed in the case.

In reply you are informed that it appears from our records that Thomas J. Taylor made application to this Commission for the identification of himself and six minor children as Mississippi Choctaws. No decision has yet been rendered relative to the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Our records show that at the time Thomas J. Taylor made application he was represented by T. J. Cole, attorney at law, Waxahachie, Texas.

Respectfully,

Chairman.

COPY:

M.C.R. 7303.

Muskogee, Indian Territory, November 28, 1903.

Thomas J. Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard L. Taylor, et al., embracing the following applications for identification as Mississippi

Choctaws:

Richard L. Taylor, et al.,	M.C.R. 6982
Martha Ann Naron, et al.,	M.C.R. 6975
William W. Taylor,	M.C.R. 6974
Caladonia Holmes, et al.,	M.C.R. 7389
Calvin L. Taylor,	M.C.R. 6972
Francis M. Taylor, et al.,	M.C.R. 6955
Ida I. Philpot, et al.,	M.C.R. 6956
Minnie L. Hendricks, et al.,	M.C.R. 6957
Cynthia A. Holmes, et al.,	M.C.R. 6958
Sophie M. Taylor,	M.C.R. 6976
Thomas J. Taylor, et al.,	M.C.R. 7303
Ancil L. Taylor, et al.,	M.C.R. 7304
Thomas L. Taylor, et al.,	M.C.R. 7305
Leslie Taylor,	M.C.R. 7306
Seaborn J. Taylor, et al.,	M.C.R. 6981
Annie L. Foster, et al.,	M.C.R. 6977
James L. Taylor,	M.C.R. 6973
Elisha B. Taylor, et al.,	M.C.R. 7075
Lula A. Lawrence, et al.,	M.C.R. 7390
Mellie Baker, et al.,	M.C.R. 6966

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

Thomas J. Taylor, --2

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard L. Taylor, James M. Taylor, Sallie Taylor, Foster Taylor, Josie Taylor, Martha Ann Naron, Richard Lee Naron, Jimmie B. Naron, Oda Naron, Effie Naron, William W. Taylor, Caladonia Holmes, Charley F. Holmes, Vinnie L. Holmes, Mary E. Holmes, James W. Holmes, Lula Holmes, Fred Holmes, Calvin L. Taylor, Francis M. Taylor, Mary F. Taylor, Ellen A. Taylor, James E. Taylor, Ella A. Taylor, Ida I. Philpot, Fred Philpot, Minnie B. Philpot, Lena E. Philpot, Frank Philpot, Minnie L. Hendricks, Sophie Hendricks, Cynthia A. Holmes, Hughie H. Standridge, Cloughie E. Standridge, Willie Standridge, Walter Holmes, Sophie M. Taylor, Thomas J. Taylor, Marion L. Taylor, Julia A. Taylor, Milbra E. Taylor, Mary L. Taylor, Jack L. Taylor, Lucy E. Taylor, Ancil L. Taylor, Eva L. Taylor, Thomas I. Taylor, Gracie G. Taylor, Leslie Taylor, Seaborn J. Taylor, Willie May Taylor, Nancy Lena Taylor, Annie L. Foster, Willie M. Foster, Nancy L. Foster, James L. Taylor, Elisha B. Taylor, Irene Taylor, Lula A. Lawrence, Etoise Lawrence, Mollie Baker, Willie T. Baker, and Mattie Baker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

James D. Doby
Chairman.

Registered.

COPY.

M.C.R.7303

Muskogee, Indian Territory, March 9, 1904.

Thomas J. Taylor,

Atoka, Indian Territory.

Dear Sir:

~~You are hereby notified that on the 23rd day of February,~~
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 con-
solidated case of Richard L. Taylor, et al., of which decision
you were advised by registered mail on the 28th day of November,
1903.

Respectfully,

(SIGNED)

I. I. Needles.

Commissioner in Charge.

E

CN,

No.

7303

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name ^E Thomas J. Taylor

Age 50 - Blood 1/8

Post Office, Alaska, S. T., -

Father: ^E Saborn Taylor d

Mother: ^{Hannie} ~~Anna~~ " d

Claims through

father 1/4

Wife. ^{M.} Mary Taylor l. w.

No claim for wife.

Children:

- Marion L. Taylor, ^M 18
- Julia A. Taylor, 14
- Milbra E. " ^{F.} 12
- Mary L. " 10
- Jack L. " 6
- Luey E. " 3

Claims for self
& ~~two~~ children

Stenographer Chas. Campbell

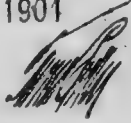
Thomas J. Taylor, et

WARDEN DEPARTMENT.

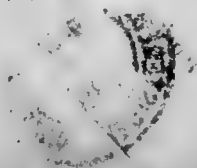
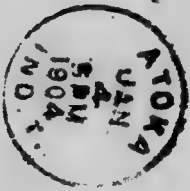
11692.

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

JAN 5 1901



CHAIRMAN



Reg 1/9

13022



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

JAN 5 1904

Thomas J. Taylor,

Atoka, Indian Territory.



Choctaw MCR 7304

Ancil L. Taylor

MCR 7304

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

In the matter of the application of Ancil L. Taylor for the identification of himself and his minor child, Eva L. Taylor, as Mississippi Choctaws.

T. J. Cole attorney.

Ancil L. Taylor being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Ancil L. Taylor.
 Q What is your age? A Twenty-six.
 Q What is your post office address? A Atoka, Indian Territory.
 Q How long have you lived there? A One year.
 Q Where were you born? A Mississippi.
 Q Where? A Union county.
 Q From there you went where? A Arkansas.
 Q Lived at what place? A Egger.
 Q How long did you live in Arkansas? A Eighteen years.
 Q And then went to the Territory? 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 Thomas J. Taylor.
 Q The Taylor who has just made application to be identified as a Mississippi Choctaw? A Yes, sir.
 Q And your mother's name is what? A Mary M. Taylor.
 Q Do you claim Choctaw blood through your father? A Father.
 Q How much do you claim? A One-sixteenth.
 Q Your father is one-eighth Choctaw? A Yes, sir.
 Q Previous to his application made today to be identified as a Mississippi Choctaw has he ever been recognized or enrolled as a member of the Choctaw tribe by any authority whatever in Indian Territory? A No, sir.
 Q Is your wife living? A Yes, sir.
 Q What is her name? A Maniard C. Taylor.
 Q She is living? A Yes, sir.
 Q And white? A Yes, sir.
 Q Do you make any claim for her? A I don't know.
 Q Give the name of the child that you want to make application for? A Eva L. Taylor.
 Q How old? A One year.
 Q You claim for yourself and one child? A Yes, sir.
 Q Is your wife Mary M. Taylor the mother of this child? A Yes, sir.
 Q Have you the proof of your marriage to her? A No, sir.
 Q When were you married to her and where? A In 1896.
 Q By a minister under a license? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A It isn't.

- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Haven't.
- 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 I haven't.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your child? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I do.

That article is as follows:

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

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with that article? A I don't know.
- Q You understand that article well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor that you claim your right to be identified through? A Seaborn Taylor.
- Q That is your father's father? A Yes, sir.
- Q How much Choctaw blood did he have? A One-fourth.
- Q Did he live in Mississippi in 1830 and have a family there at that time? A I don't know.
- Q Do you know whether he ever lived in Mississippi? A My father said he did.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation & after the treaty was ratified for five years and then get a patent for that land? A Not that I know of.
- Q Did any Choctaw ancestor go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen? A Not that I knew of.
- Q Did any Choctaw ancestor of yours 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, 1837 or '40? A Not that I know of.

7304-3

- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I knew of.
- Q Did any own improvement on land in the old Choctaw Nation in 1830? A Not that I knew of.
- Q Did any claim any right in the old Choctaw Nation in 1830? A Not that I knew of.

In 1837 and 1842 commissions were appointed which commissions ~~xxxx~~ went to Mississippi and heard Indians who claimed that that they had tried to register under article fourteen but had been refused by Colonel Ward and because they had not been allowed to register their lands had been taken from them and sold.

- Q Did any of your ancestors go before either of these commissions? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
- Q This scrip was issued under an act of Congress approved August 23, 1842.
- Q Do you understand Choctaw? A I do not.
- Q What relation is F. M. Taylor to you? A Uncle.
- Q Do you want to have your case considered under his application? A I do.

Case of F. M. Taylor, M.C.R. 6955 is referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from the date hereof within which to introduce other proof in this case.

This applicant has a ruddy complexion, gray eyes, dark brown hair nearly black, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen?

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 20th day of April 1903.

Charles H. Sawyer

Notary Public

X C R 7304
M-C R 7306

Muskogee, Indian Territory, April 25, 1903.

H. C. Townsend,
Muskogee, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your communication of April 24, 1903, enclosing certified copy of marriage certificate between Ansil Taylor and Miss Mamard Hoover, and certified copy of marriage certificate between Thomas L. Taylor and Miss Lucy E. Hoover. You state in your letter that you desire the same filed "in the matter of the application of William L. Taylor, et al. for citizenship in the Choctaw Nation."

It does not appear from our records that any person by the name of William L. Taylor is an applicant to this Commission for citizenship or enrollment in the Choctaw Nation or for identification as a Mississippi Choctaw. It does appear, however, that Ansil L. Taylor and Thomas L. Taylor are applicants to this Commission for identification as Mississippi Choctaws, and said certificates have been filed with the record in those cases.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 28, 1903.

Anoil L. Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard L. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard L. Taylor, et al.,	M.C.R. 6968
Martha Ann Naron, et al.,	M.C.R. 6975
William W. Taylor,	M.C.R. 6974
Caladenia Holmes, et al.,	M.C.R. 7389
Calvin L. Taylor,	M.C.R. 6972
Francis M. Taylor, et al.,	M.C.R. 6955
Ida I. Philpot, et al.,	M.C.R. 6956
Minnie L. Hendricks, et al.,	M.C.R. 6957
Cynthia A. Holmes, et al.,	M.C.R. 6958
Sophie M. Taylor,	M.C.R. 6976
Thomas J. Taylor, et al.,	M.C.R. 7303
Anoil L. Taylor, et al.,	M.C.R. 7304
Thomas L. Taylor, et al.,	M.C.R. 7305
Leslie Taylor,	M.C.R. 7306
Seaborn J. Taylor, et al.,	M.C.R. 6981
Annie L. Foster, et al.,	M.C.R. 6977
James L. Taylor,	M.C.R. 6973
Elisha B. Taylor, et al.,	M.C.R. 7075
Lula A. Lawrence, et al.,	M.C.R. 7390
Mollie Baker, et al.,	M.C.R. 6966

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

Ancil L. Taylor, --2

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard L. Taylor, James M. Taylor, Sallie Taylor, Foster Taylor, Josie Taylor, Martha Ann Naron, Richard Lee Naron, Jimmie B. Naron, Oda Naron, Effie Naron, Willia, W. Taylor, Galadonia Holmes, Charley F. Holmes, Vinnie L. Holmes, Mary E. Holmes, James W. Holmes, Lula Holmes, Fred Holmes, Calvin L. Taylor, Francis M. Taylor, Mary F. Taylor, Ellen A. Taylor, James E. Taylor, Ella A. Taylor, Ida I. Philpot, Fred Philpot, Minnie B. Philpot, Lena E. Philpot, Frank Philpot, Minnie L. Hendricks, Sophie Hendricks, Cynthia A. Holmes, Hughie H. Standridge, Cloughie E. Standridge, Willie Standridge, Walter Holmes, Sophie M. Taylor, Thomas J. Taylor, Marion L. Taylor, Julia A. Taylor, Milbra E. Taylor, Mary L. Taylor, Jack L. Taylor, Lucy E. Taylor, Ancil L. Taylor, Eva L. Taylor, Thomas L. Taylor, Gracie G. Taylor, Leslie Taylor, Seaborn E. Taylor, Willie May Taylor, Nancy Lena Taylor, Annie L. Foster, Willie M. Foster, Nancy L. Foster, James L. Taylor, Elisha B. Taylor, Irene Taylor, Lula A. Lawrence, Etolse Lawrence, Hollie Baker, Willie T. Baker and Mattie Baker, as Choctaw Indians entitled 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 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,

Fanno Bixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, March 9, 1904.

Ancil L. Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of February, 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 Richard L. Taylor, et al., of which decision you were advised by registered mail on the 28th day of November, 1903.

Respectfully,

T. B. Medles.
Commissioner in Charge.

No. 7304

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Ancil L. Taylor

Age 26 Blood 1/16

Post Office, Alaska, D. T.

Father: Thomas J. Taylor, I.

Mother: Mary M. " I

Claims through father 1/8

Wife.

Maniard C. Taylor, I. W.

No claim for wife

Children:

Eva L. Taylor, 1

Claims for half of
one minor

Stenographer

Charles J. [Signature]

MISSISSIPPI CHOCTAW

Ansel L. Taylor, et al

RE

T.

NOV.

REC. DEPARTMENT.

BY

11-11-11

C. R. 6982.

Choctaw MCR 7305

Thomas L. Taylor

MCR 7305

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

---o---

In the matter of the application of Thomas L. Taylor for the identification of himself and his minor child, Gracie G. Taylor, as Mississippi Choctaws.

T. J. Cole attorney.

Thomas L. Taylor being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas L. Taylor.
 Q What is your age? A Twenty-three.
 Q What is your post office address? A Ateka, Indian Territory.
 Q How long have you lived there? A One year.
 Q And at Ateka all that time? A Yes, sir.
 Q Where were you born? A Mississippi.
 Q You lived there how long? A Four years.
 Q Then did you go to Arkansas? A Yes, sir.
 Q And lived in Arkansas until you went to Indian Territory? A Yes, sir.
 Q Where in Arkansas? A Polk county.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A Yes, sir.
 Q What is your father's name? A Thomas J. Taylor.
 Q He has just been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
 Q What is your mother's name? A Mary M.
 Q Do you claim Choctaw blood through your father? A Yes, sir.
 Q How much do you claim? A One-sixteenth.
 Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States Authorities in Indian Territory? A No, sir.
 Q Do you want to have your case consolidated with his application made by him today? A Yes, sir.

The case of Thomas J. Taylor, M.C.R. 7303 is referred to.

- Q Is your wife living? A Yes, sir.
 Q And is she a white woman? A Yes, sir.
 Q What is her name? A Lucy E. Taylor.
 Q Do you make any claim for her? A No, sir.
 Q You say you have one child? A Yes, sir.
 Q What is the name of that child? A Gracie G.
 Q How old? A Nine months.
 Q You claim for yourself and this child? A Yes, sir.
 Q Is your wife Lucy the mother of this child? A Yes, sir.
 Q When were you married to her and where? A December 1900 in Arkansas.

- Q By a minister under a license? A Yes, sir.
- Q Have you proof of that marriage with you? A No, sir.
- Q Is your name on any of the rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.
- Q Do you understand that article well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

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

- Q What is the name of your ancestor through whom you make this claim now to be identified as a Mississippi Choctaw? A Seaborn Taylor.
- Q What relation to you? A Grandfather.
- Q How much Choctaw blood did he have? A One-fourth.
- Q Are you able to say anything about his father or mother? A No, sir.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did he ever live in Mississippi? A My father said he did.
- Q Do you know when? A No, sir.
- Q Where was he born and when? A I don't know.
- Q Where did he die and when? A I don't know.
- Q How old would he be if living now? A I don't know.

- Q Did he go to Colonel Ward, or did any other Choctaw ancestor of yours go to Colonel Ward, within six months after the treaty was ratified and register or attempt to register? A I don't know.
- Q Did he or any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years and then get a patent for that land? A I don't know.
- Q Did he or any Choctaw ancestor claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did he or 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 1833 and 1838 or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did he or any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefit under article 14 of the treaty of 1830 as Choctaw Indians? A I don't know.

The first commission was appointed ~~was~~ under an act of Congress approved March 3, 1837 and the other under an act approved August 23, 1842. These commissions were appointed to hear Choctaw Indians who had attempted to register but had been refused by Colonel Ward and because of his refusal their lands had been taken from them and sold by the government.

- 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? A I don't know.
- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time is allowed this applicant in which to introduce further proof in this case if he so desires.

- Q Do you want to have your case consolidated under the application of your uncle F. M. Taylor, M.C.R. 6955? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, light brown hair, brown eyes, ~~sunburn~~ ruddy complexion, doesn't understand the Choctaw language.

- 0 -

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the 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 21th day of April 1903.

Chas. Diffendaffer

Charles H. Sawyer

Notary Public.

M C R 7304
M C R 7305

Muskogee, Indian Territory, April 25, 1903.

H. C. Townsend,

Muskogee, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your communication of April 24, 1903, enclosing certified copy of marriage certificate between Ancil Taylor and Miss Mamard Hoover, and certified copy of marriage certificate between Thomas L. Taylor and Miss Lucy E. Hoover. You state in your letter that you desire the same filed "in the matter of the application of William L. Taylor, et al. for citizenship in the Choctaw Nation."

It does not appear from our records that any person by the name of William L. Taylor is an applicant to this Commission for citizenship or enrollment in the Choctaw Nation or for identification as a Mississippi Choctaw. It does appear, however, that Ancil L. Taylor and Thomas L. Taylor are applicants to this Commission for identification as Mississippi Choctaws, and said certificates have been filed with the record in these cases.

Respect fully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 28, 1903.

Thomas L. Taylor,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard L. Taylor, et al., embracing the following applications for identification as Mississippi

Choctaws:

Richard L. Taylor, et al.,	M.C.R. 6982
Martha Ann Haron, et al.,	M.C.R. 6975
William W. Taylor,	M.C.R. 6974
Caladonia Holmes, et al.,	M.C.R. 7389
Calvin L. Taylor,	M.C.R. 6972
Francis M. Taylor, et al.,	M.C.R. 6955
Ida F. Philpot, et al.,	M.C.R. 6956
Minnie L. Hendricks, et al.,	M.C.R. 6957
Cynthia A. Holmes, et al.,	M.C.R. 6958
Sophie M. Taylor,	M.C.R. 6976
Thomas J. Taylor, et al.,	M.C.R. 7303
Ancil L. Taylor, et al.,	M.C.R. 7304
Thomas L. Taylor, et al.,	M.C.R. 7305
Lealie Taylor,	M.C.R. 7306
Seaborn J. Taylor, et al.,	M.C.R. 6981
Annie L. Foster, et al.,	M.C.R. 6977
James L. Taylor,	M.C.R. 6973
Elisha B. Taylor, et al.,	M.C.R. 7075
Lula A. Lawrence, et al.,	M.C.R. 7300
Nellie Baker, et al.,	M.C.R. 6966

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495), which is as follows:

Thomas L. Taylor, --2

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard L. Taylor, James M. Taylor, Sallie Taylor, Foster Taylor, Josie Taylor, Martha Ann Naron, Richard Lee Naron, Jimmie B. Naron, Oda Naron, Effie Naron, William W. Taylor, Caladonia Holmes, Charley F. Holmes, Vinnie L. Holmes, Mary E. Holmes, James W. Holmes, Lula Holmes, Fred Holmes, Calvin L. Taylor, Francis M. Taylor, Mary F. Taylor, Ellen A. Taylor, James E. Taylor, Ella A. Taylor, Ida I. Philpot, Fred Philpot, Minnie B. Philpot, Lena E. Philpot, Frank Philpot, Minnie L. Hendricks, Sophie Hendricks, Cynthia A. Holmes, Hughie H. Standridge, Cloughie E. Standridge, Willie Standridge, Walter Holmes, Sophie M. Taylor, Thomas J. Taylor, Marion L. Taylor, Julia A. Taylor, Milbra E. Taylor, Mary L. Taylor, Jack L. Taylor, Lucy E. Taylor, Anoil L. Taylor, Eva L. Taylor, Thomas L. Taylor, Gracie G. Taylor, Lealie Taylor, Seaborn J. Taylor, Willie May Taylor, Nancy Lena Taylor, Annie L. Foster, Willie M. Foster, Nancy L. Foster, James L. Taylor, Elisha B. Taylor, Erene Taylor, Lula A. Lawrence, Steise Lawrence, Mollie Baker, Willie T. Baker, and Mattie Baker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

James Dixby.
Chairman.

Registered.

M.O.R. 7305

COPY.

Muskogee, Indian Territory, March 9, 1904.

Thomas L. Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of February, 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 Richard L. Taylor, et al., of which decision you were advised by registered mail on the 28th day of November, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

9

No.

7305

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name

Thomas L. Taylor

Age

23.

Blood

416

Post Office,

Alaska, S. T.

Father:

Thomas J. Taylor. S

Mother:

Mary M. S

Claims through

father

wife

Lucy E. Taylor, S. T.

No claim for wife.

Children:

Gracie G. Taylor, 9 m

Claims for self & one minor

Stenographer

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 5 1901



CHAPMAN



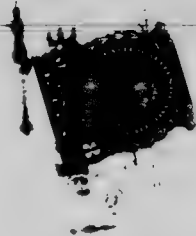
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Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



JAN 5 1904

Thomas L. Taylor,

Atoka, Indian Territory.



SECRETARY.

Thomas L. Taylor, et al

1903

NO.

QUANT.

1903

1903

NO.

QUANT.

1903

RECORD FORWARDED DEPARTMENT.

APPROVED BY
SECRETARY OF INTERIOR.

RECORDED M. D. R. 6982

Choctaw MCR 7306

Leslie Taylor

MCR 7306

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

In the matter of the application of Leslie Tayler for the identification of himself as a Mississippi Choctaw.

T. J. Cole Attorney.

Leslie Taylor being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Leslie Taylor.
 Q What is your age? A Twenty-one.
 Q What is your post office address? A Atoka, Indian Territory.
 Q How long have you lived there? A One year.
 Q Before that you lived in Arkansas? A Yes, sir.
 Q Where? A Polk county.
 Q Where were you born? A Mississippi, Calhoun county.
 Q Went from Mississippi to Arkansas and from there 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 Thomas J. Taylor.
 Q He made application today to be identified as a Mississippi Choctaw? A Yes, sir.
 Q What is your mother's name? A Mary M. Taylor.
 Q Do you claim through your father? A Father.
 Q How much? A One-sixteenth.
 Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
 Q He has made application today has he not? A Yes, sir.
 Q Also your brothers? A Yes, sir.
 Q Do you want to have your case considered with your father and brothers? A I do.
 Q You are not married? A No, sir.
 Q Claim for yourself alone? A That is all.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A It is not.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A I have not.
 Q Have you ever made any such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I have not.
 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 I have not.
 Q Do you want to be identified now as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.

Q Do you understand that article? A I do.

Article fourteen is as follows:

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

- Q That is article fourteen under which you make your claim, did ~~you~~ any of your Choctaw ancestors comply with it? A I don't know.
- Q What is the name of your ancestor that you are claiming through? A Seaborn Taylor.
- Q Your grandfather? A Yes, sir.
- Q How much Choctaw blood did he have? A One-fourth.
- Q Do you know anything about his father or mother? A I don't know.
- Q Do you know whether he lived in Mississippi or Alabama in 1830 and had a family there then? A I don't know.
- Q Did he go to Colonel Ward, the United States Indian Agent, within six months after the treaty was ratified and register or attempt to register under article fourteen? A I don't know.
- Q Did he or any Choctaw ancestor of yours live in Mississippi or Alabama in the old Choctaw Nation on land for five years and at the end of that time get a patent from the government? A I do not know.
- Q Did he or any Choctaw ancestor claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3, 18 that year and also in 1842 by an act of Congress approved August 23, of that year commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830.

These commissions were appointed to hear the complaints of Indians who tried to register but were refused the right to register by Colonel Ward and because he would not allow them to register these Indians had their land taken from them by the government and sold.

- Q Do you know whether any of your ancestors went before either of these commissions? A No, sir.
- Q Did any of your Choctaw ancestor of yours receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

These certificates were issued under the act of Congress of August 23, 1842 and were given to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their lands had been taken from them by the government and sold.

Thirty days time is allowed this applicant in which to introduce other proof in this case.

- Q Do you want to have your case consolidated under the application of your uncle F. M. Taylor? A I do.
- Q Do you understand or speak the Choctaw language? A Some, Yes, sir.
- Q Can you carry on a conversation? A No, sir.

This applicant has the appearance of being descended from white parentage, has very dark brown hair, brown eyes, medium dark complexion; he understands a few words of Choctaw 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.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

subscribed and sworn to before me this 10th day of April 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, November 28, 1903.

Leslie Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard L. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard L. Taylor, et al.,	M.C.R. 6962
Martha Ann Haren, et al.,	M.C.R. 6975
William W. Taylor,	M.C.R. 6974
Caladonia Holmes, et al.,	M.C.R. 7389
Calvin L. Taylor,	M.C.R. 6972
Francis M. Taylor, et al.,	M.C.R. 6955
Ida I. Philpot, et al.,	M.C.R. 6956
Minnie L. Hendricks, et al.,	M.C.R. 6957
Cynthia A. Holmes, et al.,	M.C.R. 6958
Sophie M. Taylor,	M.C.R. 6976
Thomas J. Taylor, et al.,	M.C.R. 7303
Anoil L. Taylor, et al.,	M.C.R. 7304
Thomas L. Taylor, et al.,	M.C.R. 7305
Leslie Taylor,	M.C.R. 7306
Seaborn J. Taylor, et al.,	M.C.R. 6961
Annie L. Foster, et al.,	M.C.R. 6977
James L. Taylor,	M.C.R. 6973
Elisha B. Taylor, et al.,	M.C.R. 7075
Lula A. Lawrence, et al.,	M.C.R. 7390
Mollie Baker, et al.,	M.C.R. 6966

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

Leslie Taylor, --2

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard L. Taylor, James M. Taylor, Sallie Taylor, Foster Taylor, Josie Taylor, Martha Ann Naron, Richard Lee Naron, Jimmie B. Naron, Oda Naron, Effie Naron, William W. Taylor, Caladonia Holmes, Charley F. Holmes, Vinnie L. Holmes, Mary E. Holmes, James W. Holmes, Lula Holmes, Fred Holmes, Calvin L. Taylor, Francis M. Taylor, Mary F. Taylor, Ellen A. Taylor, James E. Taylor, Ella A. Taylor, Ida I. Philpot, Fred Philpot, Minnie B. Philpot, Lena B. Philpot, Frank Philpot, Minnie L. Hendricks, Sophie Hendricks, Cynthia A. Holmes, Hughie H. Standridge, Cloughie N. Standridge, Willie Standridge, Walter Holmes, Sophie M. Taylor, Thomas J. Taylor, Marion L. Taylor, Julia A. Taylor, Milbra E. Taylor, Mary L. Taylor, Jack L. Taylor, Lucy E. Taylor, Ancil L. Taylor, Eva L. Taylor, Thomas L. Taylor, Gracie G. Taylor, Leslie Taylor, Seaborn J. Taylor, Willie May Taylor, Nancy Lena Taylor, Annie L. Foster, Willis M. Foster, Nancy L. Foster, James L. Taylor, Elisha B. Taylor, Irene Taylor, Lula A. Lawrence, Etiose Lawrence, Mollie Baker, Willie T. Baker and Mattie Baker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

James Dixby
Chairman.

Registered.

M. O. R. 7806

COPY.

Muskogee, Indian Territory, March 9, 1904.

Leslie Taylor,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of February, 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 Richard L. Taylor, et al., of which decision you were advised by registered mail on the 28th day of November, 1903.

Respectfully,

(SIGNED)

L. E. Nescales.

Commissioner in Charge.

h

No.

7306

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name Leslie Taylor

Age 21

Blood 1/16

Post Office,

Alaska, D.T.

Father:

Thomas J. Taylor, Sr.

Mother:

Mary M. "

Claims through

father

Children.

Claim for self

Leslie Taylor

ACT

1903

ANT.

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IONS.

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FLOOR FORWARDED DEPARTMENT.

1903

ACTION APPROVED BY

NOTICE OF ... AND.

REFER TO M. C. R. 6982

Choctaw MCR 7307

Freddie C. Ricketts

MCR 7307

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

---o---

In the matter of the application of William M. Ricketts for the identification of his two minor children, Freddie C. and Dossie Ricketts, as Mississippi Choctaws.

T. J. Cole attorney.

William M. Ricketts being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William M. Ricketts.
 Q What is your age? A Forty-seven.
 Q What is your post office address? A Cerrogordo Arkansas.
 Q How long have you lived in Arkansas? A All my life until I moved to the Nation.
 Q Is your father living? A No, sir.
 Q Is your mother living? A No, sir.
 Q What about the Nation? A Moved to the Nation about twelve years ago.
 Q Where do you live in the Territory? A About four miles from Goodwater.
 Q In what nation? A Choctaw Nation.
 Q What was your father's name? A William C. Ricketts.
 Q What was your mother's name? A Nancy Johnson.
 Q That was her maiden name? A Yes, sir.
 Q Do you claim through your father or mother? A Neither one.
 Q You are a white man? A Yes, sir.
 Q How many children do you want to claim for? A Two.
 Q What is the name of your wife? A Eliza Ricketts.
 Q When did she die? A In 1891.
 Q How much Choctaw blood did she have? A One-fourth.
 Q You claim these children you want to make application for are one-eighth Choctaw? A Yes, sir.
 Q What is the name of the oldest? A Freddie C.
 Q How old? A Seventeen.
 Q Next one? A Dossie.
 Q Girl? A Yes, sir.
 Q How old is Dossie? A Thirteen.
 Q Do you claim for these two children? A Yes, sir.
 Q You are the father of these children? A Yes, sir.
 Q And your wife, now dead, is the mother of them? A Yes, sir.
 Q And they get their Choctaw blood through her? A Yes, sir.
 Q How much do you claim for them? A One-eighth.
 Q Has your wife ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q What was her father's name? A Sam Jordan.
 Q What was her mother's name? A Caroline Jordan.

- Q Both dead? A Yes, sir.
- Q Which one had the Choctaw blood? A Caroline.
- Q How much? A One-half.
- Q Are 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 for your children? A Yes, sir.
- Q When? A In 1896.
- Q Do the Dawes Commission? A Yes, sir.
- Q Under the act of Congress of June 10, 1896? A Yes, sir.
- Q What was done with that application made for them at that time? A Well I don't know I was never notified.
- Q Are you certain they were not admitted as Indians? A Yes, sir I believe they wasn't.
- Q Now was that the only application ever made for citizenship before any authority whatever? A Yes, sir.
- Q Do you want to identify them as Mississippi Choctaws? A Yes, sir.
- Q Do you claim that right under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

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

- Q That is article fourteen under which you are making your claim for these children. Do you know if any of their ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of the ancestor of these children through whom you make this claim now? A Sam Jordan.
- Q What relation was he to the children? A Grandfather.
- Q How much Choctaw blood did he have? A Didn't have any that I know of.
- Q Who was the Choctaw ancestor? A Their grandmother.

- Q Caroline ? A Yes, sir.
- Q How much Choctaw blood did she have? A One-half.
- Q How did Caroline Jordan and her husband live in Mississippi and were they heads of a family there in 1830? A I don't know.
- Q Do you know whether they ever lived in Mississippi or Alabama in 1830? A I was always told they lived in Alabama.
- Q Do you know whether they or either of them went to Colonel Ward within six months after the treaty was ratified and attempted to register? A No, sir.
- Q Do you know whether any of the Choctaw ancestors of these children lived on land for five years after the treaty was ratified and at the end of that time receive a patent from the government? A I have always been told they did.
- Q Do you know whether Caroline Jordan's name is on Ward's registry list? A They say it is.
- Q Who told you so? A Our attorney.
- Q Did Caroline Jordan live on land in the old Choctaw Nation which she got from the government? A I don't know.
- Q Did any of the Choctaw ancestors of these children claim any land in the old Choctaw Nation under article fourteen of that treaty? A Yes, sir.
- Q Did they get it? A I think so.
- Q Do you know? A No, sir.
- Q Where was this land that Caroline had in Mississippi? A Close to Memphis, in Alabama or Mississippi.
- Q You don't know much about that do you? A No, sir.
- Q Do you know how much land there was, how it was bounded, where located whether in Mississippi or Alabama? A I don't know.
- Q Do you know who held that land? A No, sir.
- Q Did any of the Choctaw ancestors of these children go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for these children? A I don't know.
- Q Did any of them own any improvement on land in the old Choctaw Nation in 1830? A They told me that.
- Q Do you know what these improvements consisted of? A No, sir.
- Q Who told you about it? A Aunt Mary Clover.
- Q Has Mary Clover been before this commission to be identified as a Mississippi Choctaw? A I don't know.
- Q Do you know anything about Pebworth? A No, only I have been told.
- Q What have you been told? I want to know if these children have an ancestor named Pebworth, and is Patsey Pebworth who was the ancestor of these children? A I have always been told Patsey Pebworth was their great grandmother.
- Q Was Caroline Jordan her daughter? A Yes, sir.
- Q She was the grandmother of these children? A Yes, sir.
- Q And the mother of these children is your wife? A Yes, sir.
- Q Did any of the Choctaw ancestors of these children go before the Commission of 1837 or 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed under various acts of Congress to hear Choctaw Indians who had been refused the right

7307-4

to register by Colonel Ward and because of his refusal their lands had been taken from them by the government and sold. They afterwards had a chance to go before these commissions and have their rights adjudicated.

- Q Did any Choctaw ancestor of these children receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do these children understand the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

- Q Do you want to have the case of these children considered under the case of Vassie Pebworth? A Yes, sir.
Q Are they related to her? A Yes, sir.
Q Do you know what relation? A About third cousins I think.

The case of Vassie Pebworth M.C.R. 6144 is referred to for the purpose of consolidation.

By Attorney:

- Q Who was your wife's mother? A Caroline Jordan.
Q Who was Caroline Jordan's mother? A I don't know.

-----o-----

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 3th day of May 1903.

Charles H. Sawyer
Notary Public.

U.S. DEPT. OF JUSTICE
INDIAN TERRITORY

Langston, Indian Territory, Nov 2, 1905.

T. J. Cole,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant, enclosing the following:

Marriage license and certificate between H. A. Wilson and Katie Tucker, offered in support of the Mississippi Choctaw case of Katie Wilson, et al.

Certified copy of marriage license and certificate between W. M. Ricketts and Lydia Jordan, offered in support of the Mississippi Choctaw case of Freddie Ricketts, et al.

Certified copy of marriage certificate between J. M. Hunter and Joe Willie Clover, offered in support of the Mississippi Choctaw case of Joe Willie Hunter, et al.

Joint affidavit of Matilda and Wm. M. Clover relative to the marriage between Taylor Guice and Mary A. Jordan, offered in support of the Mississippi Choctaw case of Mary Ann Barr.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Langston

COPY:

Muskogee, Indian Territory, October 27, 1903.

William M. Ricketts,
Cerrogordo, Arkansas,

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Freddie C. Ricketts and Dossie Ricketts as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"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."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 7307

COPY.

Muskogee, Indian Territory, April 6, 1904.

William M. Ricketts,
Cerrogordo, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Freddie C. and Dossie Ricketts as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

E. L. Nesbitt.

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

William M. Ricketts,
Cerrogordo, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Freddie C. Ricketts and Dossie Ricketts as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name William M. Ricketts
for census

Age 47 Blood white -

Post Office. Cerro Gordo, Ark

Father: William C. Ricketts, d

Mother: Nancy _____ d

children
Claim through mother,

Eliza Ricketts: d 1/4

Sam. Jordan d

Caroline P. " d 1/2 c.

Children:

Freddie C. Ricketts " 1/8 17

Rossie " 1/8 " F. 13

Claims for 2 children

Stenographer Charles E. [unclear]

Maddie C. Ricketts

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED
APPLICANT

OCT 27 1903

NOTICE OF DECISION

FORWARDED TO ATTORNEY

FOR APPLICANTS.

OCT 27 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR THE CAY AND
CHICKASAW NATIONS.

OCT 27 1903

FORWARDED TO DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTER.

NOTICE

NO
FORWARD

SECTION
ON CHOC

REFER TO M. C. R. 1790

Choctaw MCR 7308

William C. Jordan

MCR 7308

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

---0---

In the matter of the application of William G. Jordan for
 the identification of himself as a Mississippi Choctaw.

T. J. Cole attorney.

William G. Jordan being duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A William G. Jordan.
 Q What is your age? A Forty-two.
 Q What is your post office address? A Bennington, Indian Territory.
 Q How long have you lived there? A About four years.
 Q Where were you born? A Arkansas.
 Q From there you went where? A Nation.
 Q Have you lived either in Arkansas or Indian Territory all your life? A No, sir.
 Q Where else? A In Texas.
 Q How long did you live in Texas? A Ten or twelve years.
 Q Lived six or seven years in 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 Samuel J. Jordan.
 Q What was your mother's name? A Caroline P. Jordan.
 Q Do you claim through your father or mother? A Mother.
 Q How much Choctaw blood do you claim? A One-fourth.
 Q She was one-half? A Yes, sir.
 Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities in Indian Territory? A Yes, sir she was enrolled.
 Q Why were you not enrolled? A I don't know.
 Q You didn't have your name put on any roll? A No, sir.
 Q Did you ever make application to the Dawes Commission in 1896? A Yes, sir.
 Q What was done with your application at that time? A Was recognized.
 Q This is your first application since that time? A No, sir.
 Q When you tried to be enrolled in 1896 did you take an appeal? A Did not.
 Q When did you make application? A Two years ago here.
 Q As a Choctaw by blood? A Yes, sir.
 Q Were you refused then? A I guess we were both put on the doubtful list.
 Q Did you make it under the name of William Jordan who made application for enrollment as a citizen of the Choctaw Nation by blood at Alikshi, Indian Territory? A Yes, sir.
 Q When was that application made? A Five years ago.

- Q Well now do you want to have that application withdrawn and make application as a Mississippi Choctaw? A Yes, sir.

The application of William G. Jordan, D. 747 is referred to here, same is withdrawn.

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under article fourteen? A Yes, sir.

Article fourteen is as follows:

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

- Q What is the name of your ancestor through whom you claim? A Patsy Peabworth.
Q What relation was she to you? A Grandmother.
Q Was she your mother's mother? A Yes, sir.
Q Your mother was Caroline Phelps and married Jordan? A Yes, sir.
Q How much Choctaw blood did Patsy Peabworth have? A I don't know.
Q Did she live in Mississippi or Alabama in 1830? A Lived in there about.
Q Which? A In Alabama.
Q Did she have a family living with her then? A Yes, sir.
Q How old was she? A I don't know.
Q You don't know how old she would be if living now? A No, sir.
Q Did she or any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years and then get a patent for that land? A I think so.
Q Do you know? A Yes, sir.
Q Did she get a patent now for land which she held for five years in the old Choctaw Nation? A I have heard that they did.
Q Do you know? A Yes, sir I know it.
Q Do you know where that patent is? A No, sir.
Q Did you ever see it? A No, sir.
Q Did you ever see anybody who did see it? A Yes, sir, my aunts.
Q Can you give the name of any one who saw it? A Mary Glover.

- Q You don't know anything only what has been told you about it? A No, sir.
- Q Did any of your Choctaw ancestors go before Colonel Ward within six months and register or attempt to register under article fourteen? A I don't know.
- Q Now did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes, sir.
- Q Patsy Peabworth? A Yes, sir.
- Q Any other? A I suppose so.
- Q Who did? A John Peabworth.
- Q I mean your ancestors? A Henry Peabworth had land there.
- 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, 1838 or 1840? A Yes, sir.
- Q Who came? A My mother and grandmother.
- Q When? A Between 1831 and 1835.
- Q Who told you so? A They did.
- Q Where did Patsy Peabworth die? A In Arkansas I reckon.
- Q Then she never went to Indian Territory after she went to Arkansas did she? A I don't know where she died.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Yes, sir.
- Q Who did? A My mother and aunts.
- Q When did your mother come from Mississippi or Alabama to the Choctaw Nation Indian Territory? A I don't know the date.
- Q Don't you know whether your mother did or not? A Yes, sir I know she did.
- Q When did she come to the Choctaw Nation Indian Territory? A I don't know the date.
- Q Did she die in the Indian Territory? A No, sir.
- Q Where did she? A Arkansas.
- Q Well then she came to the Territory and went to Arkansas? A Yes, sir.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed one in 1837 by an act of Congress approved March 3d of that year and the other by an act approved August 23, 1842, to hear Indians who had tried to register under article fourteen of the treaty of 1830 within six months after it was ratified but had been refused the right to register and their lands were afterwards taken from them and sold by the government.

- 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? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

7308-4

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

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

Q What relation are you to Vassie Pebworth? A Second cousin.
Q She has been before this commission to be identified as a Mississippi Choctaw? A I think so.
Q Do you want to have your case considered under her application?
A Yes, sir.

The case of Vassie Pebworth M.C.R. 6144 is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, redish mustache, ruddy complexion, blue eyes; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen.

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Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer
Notary Public.

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

In the matter of the application of William G. Jordan for enrollment as a citizen of the Choctaw nation. Being sworn and examined by Commissioner McKennon, he testifies as follows:

- Q How old are you? A About forty. Born in '60 I believe.
- Q Where have you been living. A Most of my life- early life, in Texas, since I was old enough to remember.
- Q Up to what time, when did you move to the Territory?
- A Been here about a year and a half.
- Q You lived in Texas up to about a year and a half ago?
- A Yes sir, I was here before at times. I held a resident here and my father too.
- Q When? A Settled here in annuity time and drew annuity.
- Q When was that? A I don't know what date.
- Q How old was you when your father lived here?
- A I suppose about forty four years old last time.
- Q Do you remember living in the Territory? A No sir.
- Q Have you been admitted by an Act of Council? A I think not.
- Q Were you ever enrolled that you know anything about until a year ago? A Not that I know anything about; I have been working at it.
- Q How have you been working at it?
- A I have been to Tushkahomma two or three times to the Council trying to get it adjusted.
- Q Did you make application to the Council? A Yes sir.
- Q Did they ever admit you? A Six years ago they claimed to admit me.
- Q Who claimed it, - the Council?

In case found from
unacted Choctaw file
William C. Jordan

Returned to this file
April 5-1901

March 26 1901

(William G. Jordan, #2)

A Yes, Judge Turnbow

Q Was he the Council? A No.

Q Did he have anything to do with the Council?

A Yes sir, I think he did.

Q Was he a member of the Council?

A I don't know that.

Q Where did he live?

A Lived near Goodland.

Q Was he an Indian? A Full-blood, yes sir.

Q He told you Council admitted you?

A He said he would have me adjusted.

Q You don't know anything more than that?

A No sir, nothing more about the adjustment than that.

(Com. McKennon) Nobody has had any authority to enroll you or to attempt your enrollment since 1896, if you wasn't on before.

Q What was the last enrollment you had? A In 1893.

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

COPY.

Muskogee, Indian Territory, October 27, 1903.

William G. Jordan,

Bennington, Indian Territory,

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"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."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail himself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishemingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 7308

COPY.

Muskogee, Indian Territory, April 6, 1904.

William G. Jordan,
Bennington, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

S. 11201

I. B. Needles.
Commissioner in Charge.

Maskogee, Indian Territory, April 12, 1904.

William G. Jordan,

Bennington, Indian Territory,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

7
No. 7308
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date . MAR 24 1903

Name William G. Jordan

Age 42 Blood 1/4

Post Office, Bennington, I. T.

Father: Samuel J. Jordan, d

Mother: Caroline P. " d

Claims through mother, $\frac{1}{2}$

Children:

See choe. no. 747.

Stenographer Chas. A. [unclear]

William G. Jordan

IDENTIFIED

DECISION RENDERED

NOTICE OF DECISION FORWARDED
APPLICANT

OCT 27 1903

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

OCT 28 1903

DECISION FORWARDED
ATTORNEY FOR CROSTAW AND
CHICKASAW NATIONS.

OCT 29 1903

RECEIVED BY ATTORNEY:

JAN 1 1904

ACTION APPROVED BY

CROSTAW AND CHICKASAW NATIONS.

W.G.J.
1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY

W.G.J.

REFER TO M. C. R. 3772

Choctaw MCR 7309

Katie Wilson

MCR 7309

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Katie Wilson for the identification of herself and her minor child William C. Wilson as Mississippi Choctaws.

T. J. Cole attorney

Katie Wilson being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Katie Wilson.
 Q What is your age? A Twenty-three.
 Q What is your post office address? A Mena, Arkansas.
 Q How long have you lived in Arkansas? A All my life.
 Q How long in Mena? A Just been living there three years.
 Q Is your father living? A No, sir.
 Q Is your mother living? A No, sir.
 Q What is your father's name? A J. C. Tucker.
 Q What is your mother's name? A Prudie Tucker.
 Q Do you claim through your father or mother? A My mother.
 Q How much Choctaw blood do you claim? A One-eighth.
 Q Do you claim your mother was one-fourth? A Yes, sir.
 Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Is your husband living? A Yes, sir.
 Q Is he a white man or Choctaw Indian? A White man.
 Q What is his name? A H. A. Wilson.
 Q Do you make any claim for him? A No, sir.
 Q Have you one child? A Yes, sir.
 Q What is its name? A William C. Wilson.
 Q How old? A One year and nine months.
 Q Do you claim for yourself and child? A Yes, sir.
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A I don't know sir.
 Q You never made any application? A No, sir.
 Q Nor any one for you? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Do you now come before the Commission to be identified with your child as Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen? A Yes, sir.

Article fourteen is as follows:

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

- Q That is article fourteen of the treaty of 1830; do you understand it well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you make your claim now to be identified as a Mississippi Choctaw? A Patsy Peabworth.
- Q What relation was Patsy to you? A Great grandmother.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Do you know whether she ever resided lived in Mississippi or Alabama? A No, sir.
- Q Did she go to Colonel Ward within six months after the treaty was ratified and register or attempt to register? A I don't know.
- Q Did she own any land in the old Choctaw Nation which she claimed under article fourteen of that treaty? A I don't know.
- Q Did she live on land for five years and then get a patent from the government for that land? A I don't know.
- Q Did she or any of your ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did she or any of your ancestors go at any time between the ratification of the treaty of 1830 and the date of this application made by you today from the old Nation to the Choctaw Nation Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement on land in 1830? A No, sir.

In 1837 and 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed because of the complaints made by Choctaw Indians that they had tried to register

under article fourteen of the treaty of 1830 but had been prevented from registering by Colonel Ward and because he would not allow them to register these Indians had their land taken from them by the government and sold at its public land sales.

- Q You don't know whether your ancestors went before either of these commissions? A No, sir.
- Q Did any of your ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q Do you speak or understand Choctaw? A No, sir.
- Q Are you related to Vassie Pebworth who has been before this Commission to be identified? A Yes, sir.
- Q What relation? A I don't know.
- Q But you know you are related? A Yes, sir.

The case of Vassie Pebworth M.C.R. 6144 is referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown eyes, medium light complexion, she doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

H O R
6700-7300 ✓
7300-7346

Muskogee, Indian Territory, May 9, 1903.

T. J. Cole,
Washachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Marriage license and certificate between H. A. Wilson and Katie Tucker, offered in support of the Mississippi Choctaw case of Katie Wilson, et al.

Certified copy of marriage license and certificate between W. E. Nickels and Lydia Jordan, offered in support of the Mississippi Choctaw case of Freddie Nickels, et al.

Certified copy of marriage certificate between J. H. Hunter and Joe Willie Clever, offered in support of the Mississippi Choctaw case of Joe Willie Hunter, et al.

Joint affidavit of Matilda and Wa. M. Clever relative to the marriage between Taylor Guice and Mary A. Jordan, offered in support of the Mississippi Choctaw case of Mary Ann Barr.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Katie Wilson,

Mena, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Katie Wilson and William O. Wilson as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

K. W., 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stat., 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."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY. M.C.R. 7309

Muskogee, Indian Territory, April 12, 1904.

Katie Wilson,
Mena, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child, William C. Wilson, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 7309

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 6, 1904.

Katie Wilson,
Mena, Arkansas.

Dear Madam:

You are hereby notified that on the 6th day of April 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child William C. Wilson, as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,



Commissioner in Charge.

M C R 7309

Muskegee, Indian Territory, April 3, 1905.

H. A. Wilson,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, 1905, relative to making application for the identification of twin infants as Mississippi Choctaws.

For the purpose of protecting any rights such children might have as Mississippi Choctaws, two blank applications--one for each child--are herewith enclosed.

Respectfully,

Chairman.

2 B. C.

M C R 7309

Muskogee, Indian Territory, April 28, 1905.

H. A. Wilson,
Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, and from the information contained therein we are now able to locate your wife upon our records as an identified Mississippi Choctaw and the mother of Arvin Velma and Marvin Alma Wilson, born January 10, 1905, and for whose enrollment as citizens of the Choctaw Nation applications were received at this office on April 12, 1905.

Respectfully,

Chairman.

15

No. 7309

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Katie Wilson.

Age 23, Blood '18

Post Office, Mena., Ark.

Father: P. C. Tucker, d

Mother: Prudie .. d

Claims through mother 1/4

Husband,

H. A. Wilson, I. W.

No claim for husband

Children:

William C. Wilson, ~~1902~~
1902

Claim for self
and child

Stenographer C. Wiffendaffer

A MISSISSIPPI CHOCTAW.

Katie Wilson, et al.

IDENTIFIED

DECISION RENDERED
OCT 2 1903

NOTICE OF DECISION FORWARDED APPLICANT

U.S. DEPARTMENT OF THE INTERIOR

NOTICE OF DECISION
FORWARD TO ATTORNEY
FOR APPLICANTS.

90

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

RECORDED IN THE DEPARTMENT.
JAN 11 1904

SECRET

APR

APR 1 1904

NOTICE OF DECISION
FORWARDED TO ATTORNEYS FOR

NOTICE OF DEPARTMENTAL ACTION
FORWARD TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

F. T. C. R. 6790

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
FILED

FEB 6 1904



CHAIRMAN

12592



Katie Wilson,
Mena, Arkansas.

FEB 5 1904



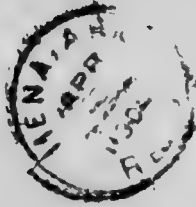
Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Returned to Machine



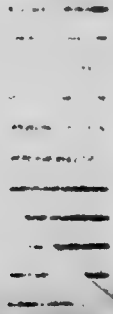
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 11 1904

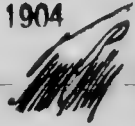
A handwritten signature in dark ink, appearing to be "W. H. H. H.", written over the word "CHAIRMAN".

CHAIRMAN



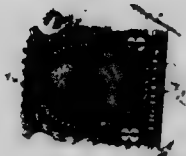
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

JUN 9 1904

A handwritten signature in dark ink, appearing to be 'T. C. Smith', written over a horizontal line.

CHAIRMAN

11726



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Katie Wilson,

Wena, Arkansas.

REGISTERED MAIL 8 1904
IND. S. 1904

MUSKOGEE, IND.

RETURN TO WRITER

UNCLAIMED

Choctaw MCR 7310

John H. Best

MCR 7310

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory.
 March 24, 1903.

---o---

In the matter of the application of John H. Best for the identification of himself and his two minor children, Willie and Johnnie Best, as Mississippi Choctaws.

S. Heard attorney.

John H. Best being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A John H. Best.
 Q What is your age? A Twenty-seven.
 Q What is your post office address? A Stidham, Indian Territory.
 Q How long have you lived in the Indian Territory? A Seventeen years.
 Q Where did you live before that? A Arkansas.
 Q Where were you born? A 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 Sam Best.
 Q What was your mother's name? A Matilda Best.
 Q Do you claim through your mother? A Yes, sir.
 Q What was her maiden name? A Snow.
 Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q What is your wife's name? A Annie Best.
 Q Living and white? A Yes, sir.
 Q Do you claim for your wife? A No, sir.
 Q Have you any children? A Two.
 Q What is the name of the oldest? A Willie.
 Q Boy? A Yes, sir.
 Q How old? A Three years old.
 Q The next? A Johnnie.
 Q Boy? A Yes, sir.
 Q How old? A One year old.
 Q You claim for yourself and two children? A Yes, sir.
 Q Is your wife Annie the mother of these children? A Yes, sir.
 Q And you are the father? 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 Are the children either? 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 any such application to the Daves Commission under the act of Congress of June 10, 1896? A No, sir.

- Q Is this the first application that has ever been made for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you claim the right to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand it? A No, sir.

In 1830 the treaty 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 the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go with the other Indians under the treaty and in order to protect the interests of those Indians article fourteen was put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten 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 No, sir.
- Q What is the name of the ancestor that you are claiming through now? A Cole.
- Q What is the full name? A Polly Cole.
- Q What relation to you was she? A Great grandmother.
- Q How much Choctaw blood did she have? A Three-fourths.
- Q How much Choctaw blood do you claim? A I reckon one-eighth.
- Q Have you figured it out so that you can tell how much you claim? A No, sir.
- Q Do you know how much it is? A No, sir.
- Q But you are sure your great grandmother was three-fourths Choctaw Indian? A Yes, sir.
- Q Do you know what her husband's name was? A Solomon Snow.
- Q Was Cole her maiden name? A Yes, sir.
- Q And she married Solomon Snow? A Yes, sir.

- Q Your mother claims through which parent father of mother? A Through her father.
- Q What was his name? A Eben Snow.
- Q And Eben Snow claimed through which parent? A His mother.
- Q What was her name? A Polly Snow.
- Q Did any of these Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family there then? A Not that I know of.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama at any time? A Yes, sir.
- Q Who did? Did Solomon Snow and his wife Polly? A Use to.
- Q Did she die there? A No, sir.
- Q Where was she born? A In Mississippi.
- Q Where did she die? A In Arkansas.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors go before Colonel Ward, the Indian Agent, within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and at the end of that time receive a patent from the government for that land? A No, sir.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.

These Commissions were appointed under various acts of congress to hear Mississippi Choctaw Indians who claimed they had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty of 1830, but were prevented from registering by Colonel Ward, the agent, and because they were refused their land was afterwards taken from them and sold.

- 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? A No, sir not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under the treaty of 1830 and also proved their right land had been taken from them and sold by the government at its public land sales.

- Q Have any of your relatives been before this Commission? A Yes, sir, my brother.

7310-4

Q What is his name? A Eben Best.

Q Do you know when he came before the Commission? A Some time in January.

The case of Eben Best is here referred to for the purpose of consolidation, M.C.R. 6487.

Q What other brother or relative? A My cousin

Q What is his name? A Joe Henderson.

The case of Joe Henderson is referred to.

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

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

This applicant has the appearance and physical characteristics of being descended from white parentage, very dark brown hair, mustache light redish, brown, eyes black, complexion fairly light, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 7310.

Muskogee, Indian Territory, October 31, 1903.

John H. Best,

Stidham, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Joseph W. Henderson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph W. Henderson, et al.,	M.C.R. 6486
Eben Best, et al.,	M.C.R. 6487
John R. Best, et al.,	M.C.R. 7310
Sam Best,	M.C.R. 7324
Susie Rumsey,	M.C.R. 7311

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 Joseph W. Henderson, Dine Henderson, Sheridan Henderson, Sam Henderson, Marget Henderson, George Henderson, Eben Best, Albert Best, John H. Best, Willie Best, Jommie Best, Sam Best and Susie Rumsey, as Choctaw Indians entitled 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 Dixby
Chairman.

Registered.

COPY. M.C.R. 7310

Muskogee, Indian Territory, February 17, 1904.

John H. Best,

Stidham, Indian Territory,

Dear Sir:

You are hereby notified that on the 2nd day of February, 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 Joseph W. Henderson et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,
SIGNED

T. B. Needles.

Commissioner in Charge.

2

No. 7310

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name John H. Best,

Age 27 . Blood Sort known

Post Office, Steadham, D. T.

Father: Sam Best, d

Mother: Matilda " d

Claims through mother -

wife,

Annie Best l. w

No claim for wife

Children:

Willie Best, M, 3

Johnnie " " 1

Claim for self &
2 minor

Stenographer Chas. Siffert offer

A MISSISSIPPI CHOCTAW.

John H. Best, et al.

REFUSED

MENT:

FEB 17 1902

825-27-1-3 R. 6486

Choctaw MCR 7311

Susie Rumsey

MCR 7311

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

---o---

In the matter of the application of Susie Rumsey for the identification of her self as a Mississippi Choctaw.

S. Heard attorney.

Susie Rumsey being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A Susie Rumsey.
 Q What is your age? A Twenty-three.
 Q What is your post office address? A Sfidham, Indian Territory.
 Q How long have you lived there? A Two years.
 Q How long in the Territory? A About fourteen years.
 Q Where did you live before that? A Arkansas.
 Q Born where? A Arkansas.
 Q Where? A Johnson county.
 Q Is your father living? A No, sir.
 Q Is your mother living? A No, sir.
 Q What is your father's name? A Sam Best.
 Q Your mother's name was what? A Matilda Best.
 Q Do you claim through your father or mother? A Mother.
 Q How much do you claim? A One-eighth.
 Q Are you sure about that? A No, I ain't right sure.
 Q Do you think you are one-eighth? A Yes, sir.
 Q Do you know how much your mother had? A One-fourth.
 Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Are you married? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his name? A Jim Rumsey.
 Q Do you make any claim for him? A No, sir.
 Q Have you any children? A No, sir.
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or 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 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 your first application of any kind? A Yes, sir.
 Q Do you want to be identified now as Mississippi Choctaw? A Yes, sir.
 Q Do you claim under article fourteen? A Yes, sir.

- Q That is the article that I explained to your brother and read, do you understand it well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

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

- Q That is article fourteen of the treaty of 1830 under which you are making your claim today. Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor that you claim through? A Polly Snow.
- Q Polly Cole was her maiden name? A Yes, sir.
- Q What relation was she to you? A Great grandmother.
- Q How much Choctaw blood did she have? A Three-fourths.
- Q She married whom? A Solomon Snow.
- Q White man? A Yes, sir.
- Q You heard your brother testify did you not? A Yes, sir.
- Q Your brother is John H. Best? A Yes, sir.
- Q And your testimony is about the same as his? A Yes, sir.
- Q Did your great grandmother Polly Cole or Snow, ever live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I don't know.
- Q Do you know whether or not any of your Choctaw ancestors lived on land in the old Choctaw Nation for five years and at the end of that time get a patent from the government? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors go at any time between the years 1833, 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of your Choctaw ancestors go before Colonel Ward, the Indian Agent, within six months from the ratification and register

- or attempt to register under article fourteen? A I don't know.
- Q Did any of them claim any land in the old Choctaw Nation in 1831 under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830? A No, sir.
- Q Did any of your Choctaw ancestors go before the Commission in 1837 or 1842 which commissions were appointed under various acts of Congress, one by an act of March 3, 1837 and the other by an act of August 23, 1842, and claim any benefit under article fourteen of that treaty? A I don't know.
- Q These commissions were appointed to hear Choctaw Indians who had tried to register under Colonel Ward, but had been refused the right to register and for that reason had had their land taken from them and sold by the government.

- Q Did any of your Choctaw ancestors get any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842.

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

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

- Q What relation is Eben Best to you? A My own brother.
- Q Do you want to have your case considered with his? A Yes, sir.

The case of Eben Best is referred to for the purpose of consolidation, M.C.R. 6847.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has brown eyes, brown hair, has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, October 31, 1903.

Susie Rumsey,
Stidham, Indian Territory,

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Joseph W. Henderson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph W. Henderson, et al.,	M.C.R. 6486
Eben Best, et al.,	M.C.R. 6487
John H. Best, et al.,	M.C.R. 7310
Sam Best,	M.C.R. 7324
Susie Rumsey,	M.C.R. 7311

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 Joseph W. Henderson, Dine Henderson, Sheridan Henderson, Sam Henderson, Marget Henderson, George Henderson, Eben Best, Albert Best, John H. Best, Willie Best, Johnnie Best, Sam Best and Susie Rumsey, as Choctaw Indians entitled 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. D.

Jams Bixby.
Chairman.

Registered.

COPY. M.C.R. 7311

Muskogee, Indian Territory, February 17, 1904.

Susie Rumsey,

Stidham, Indian Territory,

Dear Madam:

You are hereby advised that on the 2nd day of February, 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 Joseph W. Henderson et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

m

No. 7311

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name *Sueie Rumsey*

Age 23 - Blood *1/4*

Post Office, *Stidham, I.T.*

Father: *Sam Best* *d*

Mother: *Maheda ..* *d*

Claims through *mother* *1/4 -*

~~Husband~~

Jim Rumsey *l. w*

No claim for husband

~~Children:~~

Stenographer *Charles J. Ford*

A MISSISSIPPI CHOCTAW.

Susie Rumsey

REFUSED

RECEIVED

DEPARTMENT OF INTERIOR

NO. 1234567890
ACTION WANTED APPLICANT

REPL. 1234567890 P. 6486

Choctaw MCR 7312

Louisa Terrell

MCR 7312

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter, March
24, 1903.

---o---

In the matter of the application of Louisa Terrell for the identification of herself and her minor child Clarence Montgomery, as Mississippi Choctaws.

A. S. McRea attorney.

Louisa Terrell being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Louisa Terrell.
 Q What is your age? A Thirty-three.
 Q What is your post office address? A Emme, Texas.
 Q Have you always lived in Texas? A Yes, sir.
 Q Always lived there? 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 Caswell Herron.
 Q What is your mother's name? A Fannie Harrison.
 Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
 Q Do you claim through your mother? A Yes, sir.
 Q How much Choctaw blood do you claim? A One-eighth.
 Q Do you claim your mother was one-fourth Choctaw? A Yes, sir.
 Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Were your parents slaves at one time? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his name? A Bill Terrell.
 Q Is he colored? A Yes, sir.
 Q Do you make any claim for him? A No, sir.
 Q Give the names of your child? A Roxie Sims.
 Q Is her father's name Sims? A No, her husband.
 Q Next? A Clarence Montgomery.
 Q Age? A Thirteen.
 Q Who is the father of Clarence? A Wesley Montgomery.
 Q Is he dead? A I don't know he left me.
 Q Did you get a divorce from him? A Yes, sir.
 Q Did you get the divorce? A Yes, sir.
 Q What was he, negro? A Yes, sir.
 Q Is this the only minor child you have? A Yes, sir, living I have two dead.
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Is this your first application for citizenship rights in the Choctaw Nation? A Yes, sir.
- Q You want to be identified now as a Mississippi Choctaw with your child? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians on the 27th day of September 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians, and in order to protect their right an article fourteen was put into the treaty. That article is as follows:

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

- Q Did any of your Choctaw ancestors comply with that article do you know? A No, sir.
- Q What was the name of your ancestor through whom you are now making your claim today? A Peggy Pushmilaha.
- Q Was she your grandmother? A Yes, sir.
- Q How much Choctaw blood did she have? A One-fourth.
- Q Was she your mother's mother? A Yes, sir.
- Q Did she live in Mississippi in 1830 and have a family there then? A She lived in Mississippi, I don't know when.
- Q Did she go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years and at the end of that time receive a patent from the government for that land? A I don't know.
- Q Did any Choctaw ancestor 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, 1838 or 1840, or at any time between the ratification of ~~this~~ of the treaty of 1830 and the date of this application made by you today? A I don't know.

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

Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A No, sir not that I know of.

Q Did any of your Choctaw ancestors go before a commission in 1837 or 1842 and claim any benefit under article fourteen of the treaty of 1830? A No, sir.

~~These Commissions were appointed under various acts of Congress in order to hear the complaints of Indians who tried to register under article fourteen of the treaty of 1830, but were prevented from doing so by Colonel Ward and because they were not allowed to register their land was taken from them and sold by the government.~~

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? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842.

This applicant will be allowed thirty days time from this date, in which to introduce other proof in this case.

This case if consolidated under the head of Fannie Harrison M.C.R 7199, this is the mother of this applicant.

This applicant appears to be descended from negro parantage doesn't understand or speak the Choctaw language, her parents were slaves at one time; she has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 7312

Muskogee, Indian Territory, October 24, 1903.

Louisa Terrell,

Ennis, Texas,

Dear Madam:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herron, et al.,	M.C.R. 7315
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Gholstin, Riley Herron, Lizzie Herron,

L. T. - 2

Ada Herron, Della Herron, T. V. Herron, Davis Herron, A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled 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,

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 7312

Muskogee, Indian Territory, November 6, 1903.

Louisa Terrell,
Ennis, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, asking that you be given ten days additional time in which to file argument in support of your claim.

In reply you are informed that it appears from our records that on October 24, 1903, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, and on the same date you were notified that you would be allowed fifteen days from the date of said decision to file argument in support of your application to be forwarded to the Secretary of the Interior.

The fifteen days from October 24, 1903, heretofore allowed you, will expire on November 8, 1903. On November 9, 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.

The fifteen days allowed you is granted under specific departmental instructions and cannot be extended.

Respectfully,

Commissioner in Charge.

n

No. 7312

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Louisa Terrell.

Age 33 Blood 1/8

Post Office, Innis, Texas.

Father: ~~Geoff~~ Herron, d

Mother: Fannie Herron, l

Claims through mother $\frac{1}{4}$

Husband

Bill Terrell, l. col

No claim for husband

Children:

~~Popie~~

Clarence Montgomery, 13

f. Wesley " (deceased)
colored

Claims for self
& own minor

Stenographer Char. Clifford

MISSISSIPPI CHOCTAW

Louisa Ferrell

REFUSED.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 1 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 7 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED BY THE CHIEF OF BUREAU
AND CHICKASAW NATIONS.

FORWARDED BY THE CHIEF OF BUREAU
AND CHICKASAW NATIONS.
FORWARDED ATTORNEY FOR APPLICANT.

REFER TO M. C. R. 7198

Choctaw MCR 7313

Katie Kirks

MCR 7313

Department of the Interior
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

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In the matter of the application of Katie Kirks for the identification of herself and her minor child Levie Kirks, as Mississippi Choctaws.

A. S. McRea, attorney.

Katie Kirks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Katie Kirks.
 Q What is your age? A Twenty.
 Q Are you married? A Yes, sir.
 Q What is your post office address? A Waco, Texas.
 Q How long have you lived there? A Nineteen years.
 Q Where were you born? A Born there.
 Q Lived there all you live? 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? Steve Jester.
 Q What is the name of your mother? A Katie Jester.
 Q Do you claim through your father? A Yes, sir.
 Q How much Choctaw blood do you claim? A I don't know.
 Q Has your father ever been recognized or enrolled as a member of the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
 Q He has been before the commission to be identified as a Mississippi Choctaw, is that what you mean? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his race? A Negro.
 Q What is his name? A Allen Kirks.
 Q Were your parents slaves at one time? A Yes, sir.
 Q Do you make any application for your husband? A No, sir.
 Q Have you any children? A One.
 Q What is the name? A Levie Kirks.
 Q How old? A Three months.
 Q Do you claim for yourself and child? A Yes, sir.
 Q Is Allen Kirks, your husband, father of this child? A Yes, sir.
 Q Are you and your husband and this child living at your home? A Yes, sir.
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made any such application for citizenship to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made any such application 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 the Choctaw tribal authorities, the Commission to the Five

Civilized Tribes, or the United States Court in Indian territory?
A No, sir.

- Q Do you come before the Commission at this time to be identified with your child as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

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

- Q That is article fourteen of the treaty of 1830 under which you are claiming today; do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No, sir.
Q What is the name of your ancestor that you claim your right to be identified through? A Grandmother.
Q What is her name? A I don't know.
Q Then you claim through your father? A Yes, sir.
Q And he claims through his mother but you don't know the name? A Yes, sir.
Q Did your grandmother have ~~you~~ any Choctaw blood? A Yes, sir.
Q How much? A I don't know.
Q Can you give the name of any of your ancestors further back than your father? A No, sir.

The case of Ste Jester M.C.R. 6401 is referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors live in Mississippi in 1830 or Alabama and have a family there then? A No, sir.
Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and attempt to register? A I don't know.
Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? 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 at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

- Q Did any Choctaw ancestor go before the commission of 1837 or before the commission of 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed under various acts of Congress to hear the complaints of Indians who tried to register under article fourteen of the treaty of 1830 but were prevented by Colonel Ward and because he would not allow them to register their lands were afterwards taken from them by the government and sold.

- 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? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen and also proved their land in the old Choctaw Nation had been taken from them by the government and sold.

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

Thirty days time is allowed this applicant from the date hereof in which to introduce other proof in this case.

- Q Have you any other evidence you want to present now? A No, sir.

This applicant has the physical characteristics and appearance of being descended from negro parentage has no knowledge of the Choctaw language, her father and mother were slaves at one time.

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Chas. Diffendaffer 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R.7313.

Muskogee, Indian Territory, October 31, 1903.

Katie Kirks,

Waco, Texas.

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie Brown, et al, embracing the following applications for identification as Mississippi Choctaws:

Maggie Brown,
Katie Kirks, et al.,

M. C. R. 7314,
M. C. R. 7313.

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 Maggie Brown, Katie Kirks and Levie Kirks, as

K.K.--2.

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

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

Respectfully,

(SIC 100)

Registered.

Wm. D. Doby,

Chairman.

W. O. B.

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

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 7313

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1904.

~~W. O. B.~~

Waco, Texas,

Dear Madam:

You are hereby notified that on the 25th day of February, 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 Maggie Brown et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,



Commissioner in Charge.

0

No. 7313

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Katie Kicks

Age 20

Blood Soil Known

Post Office Waco, Texas

Father: Steve Jester

Mother: Katie

Claims through father

husband

Allen Kicks l.c.

No claim for husband

Children:

Levie Kicks, 3 m

Claims for self
and child

Stenographer Chas. Rufford of Waco

W. CO. TEX.
NOV
1904

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

FILED

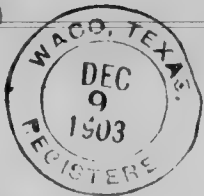
DEC 1 1903

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CHAIRMAN

13777
11478



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Katie Kirks,

Waco, Texas.

NOV 11 1903
2nd NOTICE



RETURN TO WRITER
UNCLAIMED

DEC 10 1903

MUSKOGEE, MISS. T.
APR 17 4 P.M.
1894

RECORDED
APR 16 1894
130 PM
MAR 15
CITY OF

APR 16 1894

Katie Kirkas, et al.

NOV 11 1964

RECEIVED BY C. W. ...

REF ID: A667314

Choctaw MCR 7314

Maggie Brown

MCR 7314

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

---0---

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

Maggie Brown, M.C.R. 7314
Katie Kirks, et al., M.C.R. 7313

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

	(Page)
Original application of Maggie Brown to the Dawes Commission for identification as Mississippi Choctaw-----	1
Original application of Katie Kirks, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	4
Decision of the Commission refusing the ap- plications in the consolidated case of Maggie Brown, et al., for identification as Missis- sippi Choctaws-----	7

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Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Maggie Brown for the identification of herself as a Mississippi Choctaw.

A. S. McRea attorney

Maggie Brown being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A Maggie Brown.
 Q What is your age? A Twenty-two.
 Q What is your post office address? A Summit, Indian Territory.
 Q How long have you lived in the Indian Territory? A Just two years.
 Q Where were you born? A Texas.
 Q Did you always live in Texas until you come to the Territory? A Yes, sir.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A Yes, sir.
 Q What is your father's name? A Steve Jester.
 Q What is your mother's name? A Katie Jester.
 Q Do you claim through your father? A Yes, sir.
 Q How much choctaw blood do you claim? A I don't know.
 Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q He has made application to be identified as a Mississippi Choctaw? A Yes, sir.
 Q Do you want to have your case considered under his application? A Yes, sir.

The case of Steve Jester M.C.R. 6401 is referred to for the purpose of consolidation.

- Q Are you married? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q Colored man? A claims Indian.
 Q Do you make any claim for him? A No, sir.
 Q What is his name? A Arthur Brown.
 Q Were your parents slaves at one time? A Yes, sir.
 Q Have you any children? A No, sir.
 Q You claim for yourself? A Yes, sir.
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities in Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.

7314-2

- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever upto the present time? A No, sir.
- Q This is the first application? A Yes, sir.
- Q Do you come before the commission to be identified 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 it well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

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

- Q Do you know whether any of your choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your choctaw ancestor that you claim your Choctaw blood through? A Steve Jester.
- Q Your father? A Yes, sir.
- Q Do you know anything about his father or mother? A No, sir.
- Q How much choctaw blood has he? A I don't know.
- Q You can't go back any farther than your father? A No, sir.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Can you give the name of any of your Choctaw ancestors who did? A No, sir.
- Q Did any of your choctaw ancestors live in that old Choctaw Nation for five years on land and at the end of that time receive a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors live there in 1830 and have a family there then? A I don't know.
- Q Did any of your choctaw ancestors go before Colonel Ward and try to register under article fourteen of that treaty? 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 at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

7314-3

In 1837 by an act of Congress approved March 3d of that year and also in 1842 by an act approved August 23d of that year, commissions were appointed under these various acts, which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These Indians claimed that they had tried to register under article fourteen but Colonel Ward would not allow them to register.

- Q Did any of your Choctaw ancestors go before either of them and claim any right under article fourteen? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Is Katie Kirks your sister? A Yes, sir.
- Q And you and she are both claimants through your father Steve Jester? A Yes, sir.

The case of Steve Jester is referred to

Thirty days time is allowed this applicant from the date hereof in which to introduce other proof in this case.

This applicant appears to be descended from negro parantage doesn't understand the Choctaw language, her parents were slaves at one time.

---o---

Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

copy,

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

---0---

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

Maggie Brown, M.C.R. 7314
Katie Kirks, et al., M.C.R. 7313

---: 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 Maggie Brown for herself; and by Katie Kirks for herself and her minor child, Levie Kirks, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Steve Jester, who is alleged to have been a Choctaw Indian, degree of blood not stated.

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

It 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 Steve Jester signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Maggie Brown, Katie Kirks and Levie Kirks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

F. B. Needles.

Member.

(SIGNED).

C. R. Breckinridge.

Member.

Muskogee, Indian Territory, (SIGNED BY)

W. E. Stanley.

COMMISSIONER

OCT 31 1903

COPY.

M.C.R. 7314.

Kuskogee, Indian Territory, October 31, 1903.

Maggie Brown,

Summit, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie Brown,
Katie Kirks, et al.,

M. C. R. 7314,
M. C. R. 7313.

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 iden-

M. B. --2.

tity of Maggie Brown, Katie Kirks and Levie Kirks, as Choctaw Indians entitled 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,

1900

Wm. D. Hooper

Registered.

Chairman.

Muskogee, Indian Territory, October 31, 1903.

A. S. McRae,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie Brown,	M. C. R. 7314,
Katie Kirks, et al.,	M. C. R. 7313.

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 iden-

tity of Maggie Brown, Katie Kirks and Levie Kirks, as Choctaw Indians entitled 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,

Jame Dixby.
Chairman.

Registered.

M.C.R. 7314.

Muskogee, Indian Territory, October 31, 1903.

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

Gentlemen:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie Brown,	M. C. R. 7314,
Katie Kirks, et al.,	M. C. R. 7313.

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 Maggie Brown, Katie Kirks and Levie Kirks, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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,
CHAS.

Tame Bixby.
Chairman.

COPY.

Muskogee, Indian Territory, November 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Maggie Brown, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1903.

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

Maggie Brown,	M.C.R. 7314
Katie Kirks, et al.,	M.C.R. 7313

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.

Reference is made to the case of Steve Jester, X.C.R. 6401, in which a decision was rendered by the Commission, February 4, 1903,

Sec. Int., --2

and approved by the Department, September 25, 1905.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 7314.

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D.C. 6667

W.C.F.

I.T.D. 1382-1904.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 25, 1904.

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

Gentlemen:

November 16, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Maggie Brown for herself; and of Katie Kirks for herself and her minor child, Levie Kirks, including your decision of October 31, 1903, refusing to identify them as such.

The applicants claim Choctaw descent from Steve Jester, father of the principal applicants.

On February 4, 1903, you rejected the applicants in the Mississippi Choctaw case of Steve Jester, et al., in which case the applicants claimed Choctaw descent from Lee Jim and Aaron Burkhalter. On September 25, 1903, the Department approved your decision in said case.

The evidence as furnished by the record in the case of Maggie Brown, et al., as well as the records of the Indian Office, fails to show that Steve Jester complied or attempted to comply

with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

The record contains no evidence relative to the more remote ancestors of the applicants.

Reporting February 17, 1904, 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 hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

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DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Feb. 17, 1904.

The Honorable,

~~The Secretary of the Interior.~~

Sir:

There is transmitted herewith for your consideration the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Maggie Brown for herself; by Katie Kirks for herself and her minor child, Levie Kirks, wherein a decision adverse to the applicants was rendered by the Commission October 31, 1903. The testimony in this case shows that the applicants base their claim to identification on their descent from Steve Jester, father of the principal applicant, it being claimed that he was a Choctaw Indian and a resident of Mississippi or Alabama at the date of the making of the treaty of 1830. The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Steve Jester, 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 said article and treaty. Neither does it appear that he applied to either of the Commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if any he had, as a Choctaw Indian. It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct and I concur in that finding and recommend its approval.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

CTC:LS.

Inclosures.

M.C.R. 7314

Muskogee, Indian Territory, March 11, 1904.

Maggie Brown,

Summit, Indian Territory,

Dear Madam:

You are hereby notified that on the 25th day of February, 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 Maggie Brown et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

[Signature]
Commissioner in Charge.

H.C.R. 7313

Muskogee, Indian Territory, March 11, 1904.

Ettie Kirks,

Waco, Texas,

Dear Madam:

You are hereby notified that on the 25th day of February, 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 Maggie Brown et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 7314

COPY.

Muskogee, Indian Territory, March 11, 1904.

A. S. McRae,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 25th day of February, 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 Maggie Brown et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

T. W. Nesbitt

Commissioner in Charge.

COPY.

M.C.R. 7314

Muskogee, Indian Territory, March 11, 1904.

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

Gentlemen:

You are hereby notified that on the 25th day of February, 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 Maggie Brown et al., of which decision you were advised by mail on the 31st day of October, 1903.

Respectfully,

ASIGNED:

I. T. Medico
Commissioner in Charge.

7314

Maggie Jester - 22 - Dont
Married
Arthur Brown - L - N

6201

Steve Jester - L -
wife
Katie Jester - L -

7313

Katie Jester - 20 - Dont
Married
Allen Kirks - L - N

7313

Levie Kirks

3.745

p

No. 7314

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Maggie Brown

Age 22 Blood don't know

Post Office, Summit, D. T.

Father: Steve Jester l

Mother: Katie " l

Claims through father

Husband

Arthur Brown and his wife

No claim for husband

~~children:~~

Claims for self

Stenographer: Chas. Rufford

Maggie Brown

DEPARTMENT

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ACTION APPROVED BY
SEC

FC

REFER TO M. C. R. 7313

Choctaw MCR 7315

Riley Herron

MCR 7315

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. March 24, 1903.

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In the matter of the application of Riley Herron for the identification of himself and his four minor children, Lizzie, Ada, Della and T. V. Herron, as Mississippi Choctaws.

A. S. McRea attorney.

Riley Herron being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A Riley Herron.
 Q What is your age? A I don't know, about forty-three.
 Q What is your post office? A Ennis, Texas.
 Q How long have you lived in Texas? A Been there all my life.
 Q And how long in Ennis? A Six 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 Caswell Herron.
 Q What is your mother's name? A Fannie Harrison.
 Q Do you claim through your mother? A Yes, sir.
 Q How much Choctaw blood do you claim? A About one-eighth.
 Q You think your mother was one-fourth Choctaw? A Yes, sir.
 Q Has your mother ever been recognized as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities? A No, sir.
 Q Is your wife living? A Yes, sir.
 Q Is she a colored woman? A Yes, sir.
 Q What is her name? A Matilda Herron.
 Q Do you make any claims for your wife? A No, sir.
 Q Were your parents slaves at one time? A Yes, sir.
 Q You were too were you not? A Yes, sir.
 Q Now give the name of your oldest child? A Lizzie Herron.
 Q How old? A Seventeen.
 Q The next? A Ada Herron.
 Q How old? A Fifteen.
 Q The next? A Della Herron.
 Q How old? A Thirteen.
 Q The next? A T. V. Herron.
 Q How old? A Eleven years.
 Q Boy? A Yes, sir.
 Q You claim for yourself and these children? A Yes, sir.
 Q Is your wife Matilda the mother of these children? A Yes, sir.
 Q When were you married to her and where? A In Navar county Texas.
 Q By a minister under a license? A Yes, sir.
 Q What date? A I don't know.
 Q Have you the proof of that marriage with you now? A No, sir.
 Q Is your name with the names of your minor children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you 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 authorities in Indian Territory? A No, sir.
- Q Is this your first application for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You want to be identified with your children? A Yes, sir.
- Q You understand that article well enough, do you, to claim under it? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of that treaty was to get the consent of the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interest of these Indians article fourteen was put into the treaty. That article is as follows:

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

- Q That is article fourteen under which you are making your claim, do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your Choctaw ancestor that you claim through now? A Grandmother.
- Q What is her name? A Peggy. Pushmilaha.
- Q How much Choctaw blood did she have? A One-half.

- Q Did she live in Mississippi in 1830? A I don't know - she lived there.
- Q Now do you know whether she went to Colonel Ward within six months after the treaty was ratified and attempted to register under article fourteen of the treaty of 1830? A No, sir.
- Q Did she or any Choctaw ancestor live on land for five years and at the end of that time get a patent from the government for that land? A I don't know.
- Q Did she or any Choctaw ancestor of yours claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them go between the years 1833 and 1838 at the expense of the government? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Not that I know of.

In 1837 by an act of Congress approved March 3d of that year and in 1842 by another act of Congress approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed because of the complaints of Choctaw Indians that they had registered or attempted to register under article fourteen but had been prevented from so doing by Colonel Ward, the agent, and because of this their lands were taken from them and sold.

- Q Did any of your Choctaw ancestors go before either of these Commissions? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand Choctaw? A No, sir.

This applicant will be allowed thirty days time from the date hereof in which to introduce other proof in this case.

- Q Is there anything further you want to state, or any evidence you want to present now? A No, sir.

This case will be considered with the application of Fannie Harrison, M.C.R. 7198.

This applicant appears to be descended from negro parentage he has no knowledge of the Choctaw language, he was a slave at one time as was also his father and mother.

Chas. Diffendaffer being first duly sworn states that as

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stenographer to the commission to the five civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date?

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, October 24, 1903.

Riley Herron,
Eanis, Texas,

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herron, et al.,	M.C.R. 7315
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Gholstin, Riley Herron, Lizzie Herron,

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Ada Herron, Della Herren, T. V. Herron, Davis Herron, A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled 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,

T. B. Needles
Commissioner in Charge.

Registered.

M C R 7318

Muskogee, Indian Territory, November 11, 1903.

Riley Herron,

Emmis, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask that you be allowed further time in which to present additional evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on October 24, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Fannie Harrison, et al., of which your application is a part, and on the same date you were notified that you would be allowed fifteen days from the date of said decision to file argument in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from October 24, 1903, heretofore allowed you, expired on November 8, 1903. On November 9, 1903, the record in said consolidated case, together with the decision of the Commission refusing the several applicants, was forwarded to the Secretary of the Interior. Pending action thereon by him the Com-

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mission cannot receive or consider any further evidence in support of this case.

The several applicants will be notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

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No.

7315

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name Riley Herron

Age 43 + Blood 1/8

Post Office. Ennis, Texas

Father: ^{awell} Carroll Herron, d

Mother: Fannie Herron, d

Claims through mother $\frac{1}{4}$

Wife.

Matilda Herron, l, cal

No claim for wife.

Children:

Lizzie Herron, 17

~~to~~ Ada " 15

Wella " 13

T. V. " M 11

claims for self
& 4 minors

Stenographer Ches Leppard offic.

Wiley Herron, et al.

REFUSED

ACTION APPROVED BY

APR 7 1904

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REFER TO M. C. R. 7198

Choctaw MCR 7316

Davis Herron

MCR 7316

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

---0---

In the matter of the application of Davis Herron for the identification of himself and his two minor children, A. G., and Odessa Herron, as Mississippi Choctaws.

A. S. McRea Attorney.

Davis Herron being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Davis Herron.
 Q What is your age? A Thirty-seven.
 Q Occupation? A Minister.
 Q What is your post office address? A Italy, Texas.
 Q How long have you lived in Texas? A All my life.
 Q How long in Italy? A Eight years.
 Q Is your father living? A No, sir.
 Q Is your mother? A Yes, sir.
 Q What was your father's name? A Caswell Herron.
 Q What is your mother's name? A Fannie Harrison.
 Q She has been before this commission to be identified as a Mississippi Choctaw hasn't she? A Yes, sir.

The case of Fannie Harrison M.C.R. 7198, mother of this applicant, is referred to for the purpose of consolidation.

- Q Do you claim through your father or mother? A Mother.
 Q How much choctaw blood do you claim? A I don't know.
 Q Has you mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q Is your wife living? A Yes, sir.
 Q What is her name? A Octavia Herron.
 Q What is her race? A Negro.
 Q Do you claim for her? A No, sir.
 Q Were your parents slaves at one time? A Yes, sir.
 Q Have you children? A Yes, sir.
 Q How many? A Two.
 Q What is the name of the oldest? A A. G. Herron.
 Q How old? A Eleven.
 Q Next? A Odessa.
 Q Girl? A Yes, sir.
 Q How old? A Ten.
 Q Is that all? A Yes, sir.
 Q Do you claim for yourself and these two children? A Yes, sir.
 Q Is your wife Octavia the mother of these children? A Yes, sir.
 Q Are you and she living together as husband and wife at your home? A Yes, sir.

- Q Have you the proof of your marriage to your wife with you now?
A No, sir.
- Q Can you tell when and where you married her? A Yes, sir.
- Q Do so? A In 1891.
- Q Day of the month? A 29th April.
- Q What place? A Felicia.
- Q By a minister under a license? A Yes, sir.
- Q In what state, Texas? A Yes, sir.
- Q Is your name or the names of these children on any tribal roll 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? A No, sir.
- Q Have you ever made such application 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 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 come before the commission at this time to be identified as a Mississippi Choctaw and to identify your children? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

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

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article, and if so who did? A No, sir.
- Q Who do you claim through? A My mother.
- Q Can you go back as far as you grandmother's name? A PEGGY Pushmilaha.
- Q How much Choctaw blood did she have? A One-half.
- Q Do you know anything about her father or mother? A No, sir.
- Q Do you know anything about her husband? A No, sir.

- Q Where did she live during her life time if you know? A I don't know.
- Q Did she live in Mississippi in 1830 and have a family there at that time? A I don't know.
- Q Did she live on land in the old Choctaw Nation for five years and then get a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors go before Colonel Ward and register or attempt to register under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation in 1830? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A No, sir.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim any benefit under article fourteen? A No, sir.

These commissions were appointed, one in 1837 by an act of Congress approved March 3d of that year and the other by an act approved August 23, 1842, to hear Indians who claimed that they had tried to register under article fourteen but had been prevented from doing so by Colonel Ward, and later on their lands were taken from them and sold by the government, and they went before these commissions to have their wrongs righted.

- 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? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and also proved their land had been taken from them and sold by the government at its public land sales.

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

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

This applicant appears to be descended from negro parents he has no knowledge of the Choctaw language, his father and mother were slaves at one time.

---o---

Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he re-

7516-4

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaff

Subscribed and sworn to before me this 13th day of May 1903.

Charles Kesawyer

Notary Public.

COPY.

M.C.R. 7316

Muskegee, Indian Territory, October 24, 1903.

Davis Herron,
Italy, Texas,

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Harrison, et al.,	M.C.R. 7196
Riley Herron, et al.,	M.C.R. 7316
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Chelstin, Riley Herron, Lissie Herron, Ada Herron, Della Herron, T. V. Herron, Davis Herron,

D. H. - 2

A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.²

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 7198
M C R 7316

Muskogee, Indian Territory, November 11, 1903.

Davis Herron,

Italy, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask that you and your mother be allowed 30 days additional time in which to present further evidence in support of your claim for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that on October 24, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Fannie Harrison, et al., of which your application is a part, and on the same date you were notified that you would be allowed fifteen days from the date of said decision to file argument in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from October 24, 1903, heretofore allowed you, ~~expired~~ on November 8, 1903. On November 9, 1903, the record in said consolidated case, together with the decision of the Commission refusing the several applicants, was forwarded to the Secretary of the Interior. You will be notified of such action as may be taken by him.

D H 2

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file argument in support of their claims to be forwarded to the Secretary of the Interior are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

N

No.

7316

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Davis Herron

Age 37 Blood Soil: Known:

Post Office, Italy, Texas

Father: Cassie Herron, d

Mother: Fannie Herron, l

Claims through mother -

Wife.

Octavia Herron, l. m. q.

No claim for wife

Children:

A. G. Herron, M. 11

Odessa " F. 10

Claims for self
and 2 minors

Stenographer Ches W. Spaulding

A MISSISSIPPI CHOCTAW.

Davis. Herron, et al.

RECEIVED

SECRET

APR

7198

Choctaw MCR 7317

George W. Perry

MCR 7317

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of George W. Perry for the identification of himself and his three minor children, George R., Edward T. and Emma B. Perry, as Mississippi Choctaws.

A. S. McRea attorney.

George W. Perry being first duly sworn testifies as follows:

~~Examination by the Commission:~~

- Q What is your name? A George W. Perry.
 Q What is your age? A Fifty.
 Q What is your post office address? A Pine Bluff, Arkansas.
 Q How long have you lived in Arkansas? A Over in Arkansas about all my life.
 Q Born where? A Mississippi.
 Q And went from there to Arkansas? A Yes, sir.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A No, sir.
 Q What is your father's name? A Thomas R. Perry.
 Q He has been before the Commission to be identified? A Yes, sir.

The case of Thomas R. Perry, father of this applicant is referred to for the purpose of consolidation, M.C.R. 6827.

- Q What was the name of your mother? A Lucy Ann.
 Q Do you claim your Choctaw blood through your father? A Yes, sir.
 Q How much do you claim? A About one-fourth.
 Q Do you claim your father had one-half? A Yes, sir.
 Q Were your parents slaves at one time? A My mother's side was, my father never was.
 Q And you were? A I must have been.
 Q You say your father was not? A Was not.
 Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
 Q Is your wife living? A Yes, sir.
 Q What is your wife's name? A Alice Perry.
 Q Is she a negro? A Yes, sir.
 Q Do you claim anything for your wife? A No, sir - I don't believe my mother was a slave.
 Q Have you any children you want to make application for? A Three.
 Q What is the name of the oldest? A George R. Perry.
 Q How old? A Ten.
 Q Next? A Edward T.
 Q How old? A Eight.
 Q Next? A Emma B., six.
 Q Is that all? A Yes, sir.

7317-2

- Q You claim for yourself and these children? A Yes, sir.
Q Is Alice Perry, your wife, mother of these children? A Yes, sir.
Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes, sir.
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
Q Are the names of your children? A No, sir.
Q Have you proof of your marriage to your wife with you? A Yes, sir.

Marriage certificate of George W. Perry and Alice Manly, presented by applicant, received, marked exhibit "A" and made a part of the record in this case.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory or 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 any such application to any authority up to the present time for citizenship in the Choctaw Nation? A No, sir.
Q This is the first application of any kind? A Yes, sir.
Q Do you now come before the Commission with your children claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q You understand that article do you? A Yes, sir.

Article fourteen is as follows:

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

- Q That is article fourteen under which you claim. What is the name of your ancestor that you are claiming through now? A Rachel R Perry.
Q Is that your grandmother? A Yes, sir.
Q Your father's mother? A Yes, sir.

- Q How much Choctaw blood did she have? A I think all Choctaw.
- Q Do you claim that? A Yes, sir.
- Q That is what your father told you? A Yes, sir.
- Q Can you go back any further than Rachel Perry? A No, sir.
- Q Did she live in Mississippi in 1830 and have a family there then?
A Yes, sir.
- Q Did she within six months after the treaty was ratified go before Colonel Ward and register or attempt to register under article fourteen? A I don't know.
- Q Did she live on land in the old Choctaw Nation for five years and then get a patent from the government? A I don't know.
- Q Did she claim any land in the old Choctaw Nation under that article of the treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any go before the commission of 1837 or the commission of 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed, one in 1837 by an act of Congress approved March 3d of that year and the other by an act approved August 23, 1842, for the purpose of hearing Choctaw Indian claimants who tried to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty but were prevented from doing so and because they were prevented the government afterwards took their land and sold it.

- 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? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to those Choctaws who proved their right under article fourteen and also proved their land in the old Choctaw Nation had been sold.

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

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

- Q Are you any relation to Professor M. R. Perry? A Yes, sir, brother.
- Q He has made application for identification? A Yes, sir.
- Q Now he said your mother Lucy Ann was a free woman? A I just got mixed up.

7317-4

- Q When you stated your mother was a slave was that correct? A No, sir.
Q Do you desire to change it now? A Yes, sir.
Q How was your mother a slave at any time? A She was not.

By Commission:

This applicant appears to be descended from negro parentage, has all the characteristics of a colored man, doesn't show any other blood so far as the Commission is able to determine and has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of his ancestors.

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Chas. Diffendaffer, 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 taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 8th day of May 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, October 29, 1903.

George W. Perry,
Pine Bluff, Arkansas.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas R. Perry, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas R. Perry, et al., M.C.R. 6827
George W. Perry, et al., M.C.R. 7317
Marion R. Perry, et al., M.C.R. 6828.

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 Thomas R. Perry, Pascanda Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Emma B. Perry, Marion R. Perry, Henderson Turner Perry, and Marion R. Perry Jr., as Choctaw 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

B. Needles
Commissioner in Charge.

Registered.

M.C.R.7317

Muskogee, Indian Territory, April 7, 1904.

George W. Perry,
Pine Bluff, Arkansas.

Dear Sir:

You are hereby notified that on the 19th 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 Thomas R. Perry, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

[Signature]

J. H. Needles

Commissioner in Charge.

4

No. 7317

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1905

Name George W. Perry

Age 50 Blood 1/4

Post Office, Pine Bluff, Ark.

Father: Thomas R. Perry, I

Mother: Lucy A. " " d

Claims through father 1/2

Wife,

Alicia Perry, I. col.

No claim for wife -

Children:

George R. Perry, 10

Edward T. " 8

Emma B. " 6

Claims for self
and 3 minors

Stenographer Char Clifton Daffan

A MISSISSIPPI CHOCTAW

George W. Perry, et al

1868

MISSISSIPPI

CHOCOTAW

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NT.

Choctaw MCR 7318

Earnest Q. Clover

MCR 7318

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Robert L. Clover for the identification of his three minor children, Earnest Q., Thomas L. and Eugia B. Clover, as Mississippi Choctaws.

T. J. Cole attorney.

Robert L. Clover being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Robert L. Clover.
 Q What is your age? A Fifty-two.
 Q What is your post office address? A Goodwater, Indian Territory.
 Q Are you a citizen of the Choctaw Nation? A Yes, sir.
 Q And do you come before the Commission to make application for your minor children? A Yes, sir.
 Q How many? A Three.
 Q What is the name of the oldest? A Earnest Q.
 Q How old? A Seventeen.
 Q Next? A Thomas L.
 Q How old? A Fourteen.
 Q The next? A Eugia B.
 Q Is that a girl? A Yes, sir.
 Q What is the age of that child? A She is six years old.
 Q Is that all your children? A Yes, sir.
 Q Has any application ever been made for these children before? A Yes, sir.
 Q When? A At Garvin.
 Q When? A December 1902.
 Q What was done with that application? A I don't know.
 Q What do you come before the Commission now for if you don't know whether they accepted it or refused it? A They were refused.
 Q Is that the only application that has ever been made for them for citizenship in the Choctaw Nation? A Yes, sir.
 Q How much Choctaw do you claim? A One-fourth.
 Q Do these children get their Choctaw blood entirely through you or get some through their mother? A Through me.
 Q What is your wife's name? A Mary Clover.
 Q Has she any Choctaw blood? A No, sir.
 Q She is living? A Yes, sir.
 Q She is a white woman? A Yes, sir.
 Q Then the children claim through you? A Yes, sir.
 Q And they live at Goodwater with you? A Yes, sir.
 Q Has any application ever been made for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

7318-2,

- Q And the only application was made in December before the Dawes Commission? A Yes, sir.
- Q And then they were refused? A Yes, sir.
- Q Do you now want to identify them as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of this treaty was to get the consent of the Choctaw Indians who to remove 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 with the other Indians under the treaty and in order to protect the interest of that class of Indians article fourteen was drafted and put into the treaty. An article is one of the subdivisions of a treaty.

article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten 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 of these children comply with the provisions of that article? A Yes, sir.
- Q What is the name of the ancestor through whom you claim the right to identify these children? A Patsy Peabworth.
- Q How much Choctaw blood did she have? A Full blood.
- Q What relation was she to the children? A Great grandmother.
- Q How did she live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q Is that a matter of family history and tradition? A Yes, sir.
- Q Did any of the Choctaw ancestors of these children, Patsy Peabworth or any other, live on land for five years and then get a patent from the government for that land? A Yes, sir.
- Q Are you able to prove that now? A Yes, sir.
- Q Well prove it? A I have saw the records.

- Q Well have you any other proof, is it a matter of family history and tradition? A I don't understand.
- Q Did any Choctaw ancestor go to Colonel Ward within six months from the ratification of the treaty and register or attempt to register? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A They claim to have held some.
- Q Whatever claim you put for these children is claim made through you isn't it? A Yes, sir.
- Q But were not made a citizen of the Choctaw Nation as a Mississippi Choctaw were you? A No, sir.
- Q When were you admitted to citizenship in the Choctaw Nation? A In 1896.
- Q Why was it your children were not admitted at that time? A Because the paper was got out by Batbest and he didn't put the names on the paper.
- Q Mr Clover the records show that on February 28, 1900 Robert Lucius Clover made application at Muskogee, Indian Territory, for the enrollment of Joewillie Clover, Earnest Clover, Thomas Lucious Clover and Lugia Bee Clover; is the Earnest Clover the same that you made application for today? A Yes, sir.
- Q Is Thomas the Thomas named in that application? A Yes, sir.
- Q And is Eugia B. Clover the same person as Lugia named in that memorandum? A Yes, sir.

The records of the Commission show that on that date you made application for the enrollment of these children as Choctaws by blood, and a decision was rendered in said case refusing the application made by you for them as Choctaws by blood, signed by Tams Bixby, acting Chairman, and dated 20th of November 1900. On November 20, 1900 a letter was mailed to you at Goodwater, Indian Territory notifying you of the refusal of your children, signed by Tams Bixby, acting Chairman.

- Q You received that letter did you? A Yes, sir.

A memorandum of the matter of the application as for the enrollment of your minor children as citizens of the Choctaw Nation was forwarded by the Commission to the Secretary of the Interior for review on December 3, 1900 and on June 18, 1901 the action of the Commission in said matter was approved by the Secretary of the Interior. On October 18, 1901 a letter was addressed to Robert L. Clover at Goodwater in reference to Choctaw Memo. #38, in which letter said Robert L. Clover was notified that the Commission was in receipt of a letter from the Secretary of the Interior dated August 20 30, 1901, in which he states that

he has approved the decision of the commission in the matter of the application for enrollment of Jewillie Clover, et al., #38.

Q Mr Clover did you receive that letter? A Yes, sir.

Memorandum No. 38 with record is here referred to in regard to the application made for said minor children.

Q Now you want to identify them as Mississippi Choctaws? A Yes, sir.

Q Irrespective of any other application ever made for them? A Yes, sir.

Q Do you claim the right to identify these children under article fourteen? A Yes, sir.

In 1837 and 1842 under the various acts of Congress commissions were appointed which went to Mississippi and heard claims under article fourteen. These commissions were appointed for the purpose of hearing Choctaw Indian claimants who had tried to register under article fourteen but had been prevented from doing so by Colonel Ward and because they had been prevented from registering their lands had been taken from these Indians and sold at the public land sales of the government.

Q Do you know whether any Choctaw ancestor of these children received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842 and was given to those Indians who proved their right under article fourteen and also proved their lands had been taken from them and sold.

Thirty days time will be allowed this applicant from the date hereof in which to introduce other proof in this case.

Q What relation are these children to Vassie Pebworth? A Second cousins.

Q Do you want to have their case go under her application? A Yes, sir.

The case of Vassie Pebworth M.C.R. 6144 is referred to for the purpose of consolidation.

By attorney:

Q What became of Jewillie Clover? A She married a Hunter.

Q What is her husband's name? A James Hunter.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he re-

7318-5

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 7318

Huskegee, Indian Territory, April 26, 1903.

T. J. Cole,
Attorney-at-Law,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 26, 1903, enclosing marriage license and certificate of Robt. L. Clover and Mary F. Ricketts offered in support of the application of Earnest Q. Clover et al. for identification as Mississippi Choctaws; also letter from the Commission to R. L. Clover, dated December 2, 1896, and the same have been filed with the record in the above case.

Respectfully,

Chairman.

COPY:

Muskogee, Indian Territory, October 27, 1903.

Robert L. Clover,
Goodwater, Indian Territory.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Earnest Q. Clover, Thomas L. Clover and Eugia B. Clover as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1,

1902 (32 Stats., 641):

"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."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

N C R 7318

Muskogee, Indian Territory, January 21, 1904.

Ernest Clover,
Cerro Gordo, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your postal card of the 14th instant, in which you state "I am a citizen of the Choctaw Nation - and am 19 years old - Please advise if I can file on my land or will I have to get a guardian to do it for me."

In reply you are informed that it appears from our records that on October 27, 1903, the Commission rendered a decision identifying the several applicants included in the Mississippi Choctaw case of Matilda Clover, et al., of which the application made by Robert L. Clover for the identification of his three minor children, Harnest Q., Thomas L., and Eugie B. Clover, is a part.

On November 17, 1903, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed a motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and said motion was denied by the Commission on January 13, 1904.

You are further advised that the Commission, on January 13, 1904, forwarded to the Department the original record in the

N C 2

matter of the application of Matilda Clover, et al., for identification as Mississippi Choctaws, together with its decision of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision, and you will be duly notified of such departmental action as may be taken in said case.

Relative to minor duly identified Mississippi Choctaws filing on land in the Choctaw-Chickasaw country, your attention is invited to rule 2 of the "Rules and Regulations Governing the Selection of Allotments and the Designation of Homesteads in the Choctaw and Chickasaw Nations," a copy of which is herewith enclosed.

Respectfully,

Commissioner in Charge.

R & R Choc-Chick
Allotments.

M C R 7318

COPY.

Muskogee, Indian Territory, April 6, 1904.

Robert L. Clover,

Goodwater, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Earnest Q., Thomas L., and Eugia B. Clover as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

COPY. M.C.R. 7318

Muskogee, Indian Territory, April 12, 1904.

Robert L. Clover,
Goodwater, Indian Territory,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Earnest Q., Thomas L. and Eugia B. Clover as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNATURE)

T. B. McCallie.

Commissioner in Charge.

Registered.

2

No. 7318

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Robert L. Clover, -
for 3 minors

Age 52 Blood 1/4

Post Office, Goodwater, I. T.

Father: Robert L. Clover, I. T.

Mother: Mary " I. W

Chedman
Claimed through father (above)

Children:

- Earnest L. Clover, 17
- Thomas L. " 14
- Engia B. " F. 6

Claims for 3
minors

(see Mem. No 38)

Stenographer Chas. Jeffers

A MISSISSIPPI CHOCTAW

Ernest Q. Glover, et al

IDENTIFIED

DECISION FILE NO
JUL 17 1933

NOTICE OF DECISION FORWARDED
APPLICANT

JUL 17 1933

NOTICE OF DECISION
FORWARD
FOR APPLICANTS.
JUL 17 1933

COPY OF DECISION FORWARDED
ATTORNEYS AT LAW AND
CHICKASAW NATIONS.

CHICKASAW NATIONS
CHICKASAW NATIONS
JUL 17 1933

AP

REFER TO M. C. R. 6790

Choctaw MCR 7319

James B. Harper

MCR 7319

Department of the Interior
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

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In the matter of the application of James B. Harper for the identification of himself and his six minor children, Charles E., Mary Grace, John Elmer, Owen G., Jessie L. and Eugene P. Harper, as Mississippi Choctaws.

Thomas & Harrison attorneys.

James B. Harper being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A James B. Harper.
Q What is your age? A Fifty-two.
Q What is your post office address? A Peoria, Illinois.
Q How long have you lived there? A Six years.
Q Where were you born? A Illinois.
Q Have you always lived in Illinois? A Lived in Kansas and Missouri.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Reuben P. Harper.
Q What was your mother's name? Sarah Harper.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-fourth.
Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw & tribal authorities or the United States court in Indian Territory? A No, sir.
Q Have you the proof of the marriage of your father and mother with you? A Yes, sir.

A Certificate signed by the clerk of the county of Putman County, Illinois, in reference to the marriage of Reuben Harper and Sarah Rouse, is presented by this applicant, received, marked exhibit "A" and made a part of the record in this case.

- Q Have you any other papers that you want to file? A My marriage certificate.

A Copy of the marriage certificate of James B. Harper and Hannah Vanvain is received, marked exhibit "B" and made a part of the record in this case.

- Q Has your father been recognized or enrolled as a Choctaw Indian by any authority whatever in Indian Territory? A No, sir.
Q What is your wife's name? A Hannah Harper.
Q She is living? A Yes, sir.
Q What is her race? A White.
Q Do you make any claim for her? A No, sir.

- Q Give me the names of your children under age and unmarried benin-
ning with the oldest? A Charles E. Harper twenty,
- Q The next? A Mary Grance Harper, seventeen.
- Q The next? A John Elmer Harper fifteen.
- Q Next? A Owen G. Harper ten.
- Q Next? A Jessie L. Harper five.
- Q Next? A Eugene P. Harper one.
- Q You claim for yourself and these minors? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory with these children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw
Nation for yourself and children either to the Choctaw tribal
authorities in Indian Territory or to the Dawes Commission under
the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in
the Choctaw Nation 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 want to identify yourself and these children as Mississippi
Choctaws? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.
- Q Do you understand that article well enough to claim under it? A
Yes, sir.

Article fourteen is as follows:

"Each choctaw head of a family being desirous to remain
and become a citizen of the states shall be permitted to do so
by signifying his intention to the agent within six months from
the ratification of this treaty and he or she shall thereupon
be entitled to a reservation of one section of six hundred and
forty acres of land to be bounded by sectional lines of sur-
vey; in like manner shall be entitled to one-half that quanti-
ty for each unmarried child which is living with him over ten
years of age and a quarter section to such child as may be un-
der 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 fam-
ily or a portion 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 are making
your claim today? A Charles Harper.
- Q What relation to you? A Grandfather.
- Q Was he your father's father? A Yes, sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi in 1830 and have a family there then?
A I don't know.
- Q Did he ever live in Mississippi or Alabama? A I don't know,
only through my mother, she told me he had lived there or had
been in Mississippi.

- Q Do you know when he lived there? A No, sir.
- Q Nor how long he lived there? A No, sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and at the end of that time get a patent from the government for that land? 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 at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I couldn't say.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any go before Colonel Ward, the United States Indian Agent, within six months after the treaty was ratified and register or attempt to register under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors claim any right under article fourteen of the treaty of 1830, so far as you know? A Not that I know of.
- Q Did he or any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any rights under article fourteen? A Not that I know of.

These commissions were appointed under various act of Congress, one in 1837 by an act approved March 3d of that year and the other by an act approved August 23, 1842, to hear Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 and had been prevented from doing so by Colonel Ward, and because they had been prevented their lands were taken from them by the government and sold.

- 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? A I couldn't say.

This scrip was issued under the act of Congress approved August 23, 1842.

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

Thirty days time will be allowed this applicant from the date hereof within which to introduce other proof in this case.

- Q John Harper has been before this Commission to be identified claiming under Charles Harper, is he a relative of yours? A No, sir.
- Q Do you want your case considered under his application? A Yes, sir.

The case of John Harper M.C.R. 7079 is referred to for the purpose of consolidation.

7319-4

By attorney:

- Q Do you know the name of your grandmother? A On father's side?
Q Yes, your father's mother? A No, sir, I don't know, she was
a Cheatham.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, he has black hair, black mustache somewhat gray, brown eyes, medium dark complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with any of the provisions of article fourteen.

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Chas. Diffendaffer 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 14th day of May 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 6808
" 6884
" 7319
" 6883

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage license and certificate between Alexander Clinton and Lonie Hill, offered in support of the application of Alexander Clinton for the identification of himself and minor child as Mississippi Choctaws; original marriage license and certificate between John Carr and Parthena Brown, original marriage license and certificate between William H. Head and Parthena Carr, offered in support of the application made by Parthena J. Head for the identification of herself and minor children as Mississippi Choctaws; certificate of marriage between Ruben P. Harper and Sarah Rouse, offered in support of the application made by James B. Harper for the identification of himself and minor children as Mississippi Choctaws and certified copy of the marriage certificate between J.H. Brown and Annie Howard, also certified copy of marriage certificate between Joseph Fisher and A.L. Brown, offered in support of the application made by Annis L. Fisher for

T & H 3

the identification of herself and minor children as Miesiceluyi
Chootaw.

The same have been filed with the records in these
respective cases.

Respectfully,

Commissioner in Charge.

H.O.R. 7319..

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified James B. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children 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,

Commissioner in Charge.

M. C. R. 7319.

Muskogee, Indian Territory, November 6, 1903.

James B. Harper,
Peoria, Illinois.

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 your application for identification of yourself and minor children 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

James B. Harper,
Peoria, Illinois.

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, Charles E., Mary G., John E., Owen G., Jessie L. and Eugene P. Harper, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.7319.

Muskogee, Indian Territory, June 26, 1905.

James B. Harper,
Peoria, Illinois.

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 Harper, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

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No. 7319

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Date

Name James B. Harper.

Age 52 Blood 1/4

Post Office, Peoria, Ill.

Father: Ryison P. Harper d

Mother: Sarah " d

Claims through father 1/2

wife.

Hannah Harper, s. w
No claim for wife.

Children:

Charles E. Harper. 20

Mary E. " 17

John E. " 15

Quinn E. " 10

Jessie L. " 5

Myra P. " 1

Claims for self 26
minors

Stenographer Ches Raffendaffin

A MISSISSIPPI CHOCTAW.

James B. Harper, et al

DECISION RENDERED. M. 1904

COPY OF ...
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF ...
ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPL
SECRETARY OF ...
MA

NOTICE OF DEPARTMENT ...
APPLICANT

JUN 15 1904

NOTICE OF RECEIVED ...
FORWARDED

NOTICE OF ...
FORWARDED

REFER ...

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Choctaw MCR 7320

Lewis B. Harper

MCR 7320

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Lewis B. Harper for the identification of himself as a Mississippi Choctaw.

Thomas and Harrison attorneys

Lewis B. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lewis B. Harper.
 Q What is your age? A Twenty-two.
 Q What is your post office address? A Peoria, Illinois.
 Q How long have you lived there? A Six years.
 Q Where were you born? A Born in Putman county.
 Q Have you always lived in that state? 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 James B. Harper.
 Q What is your mother's name? A Hannah F.
 Q Do you claim through your father? A Yes, sir.
 Q How much choctaw blood do you claim? A One-eighth.
 Q Do you claim your father was one-quarter? A Yes, sir.
 Q He has made application today to be identified as a Mississippi choctaw? A Yes, sir.
 Q Previous to that was he ever recognized or enrolled by any authority whatever in the Indian Territory? A No, sir.
 Q Are you married? A No, sir.
 Q Is your name on any tribal roll of the choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been enrolled as a member of the choctaw tribe of Indians by any authority whatever up to the present time? A No, sir.
 Q This is your first application? A Yes, sir.
 Q Do you come before the commission now to be identified as a Mississippi choctaw claiming under article fourteen? A Yes, sir.
 Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and

forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Harper great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there then? A Not as I know of.
- Q Did he ever live in the old Choctaw Nation in Mississippi or Alabama? A Not that I know of.
- Q Where was he born and when? A I don't know.
- Q When and where did he die? A I don't know that.
- Q Did he or any of your Choctaw ancestors live on land in the old Choctaw Nation for five years and then get a patent from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors go, at any time between the ratification of the treaty of 1830 and the date of this application made by you today, to the Choctaw Nation Indian Territory from the old Choctaw Nation? A Not as I know of.
- Q Did any of your Choctaw ancestors go before Colonel Ward within six months from the ratification of the treaty and register or attempt to register under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land there in 1830? A I don't know.

Now in 1837 by an act approved March 3d of that year and in 1842 by an act approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed because a good many Choctaw Indians claimed they had tried to register under article fourteen but had been refused the right to register by Colonel Ward, and because they were refused afterwards had their lands taken from them in the old Choctaw Nation and sold by the government.

- Q How did any of your ancestors go before either of those Commissions and claim any benefit under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Indians who proved their right under article fourteen and also proved their land had been taken from them and sold.

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

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

- Q Is John Harper a relative of yours; he has been before the Commission to be identified as a Mississippi Choctaw? A Second cousin I guess.
- Q Do you want to have your case referred to his? A Yes, sir.

The case of John Harper M.C.R. 7079 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown eyes, medium fair complexion, doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the case above entitled cause taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 14th day of May 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 7320.

Lewis B. Harper,
Peoria, Illinois.

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 19th day of March, 1904.

Respectfully,

Chairman.

M.C.R.7320.

Waskagee, Indian Territory, November 6, 1903.

Lewis B. Harper,

Peoria, Illinois.

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 your application for identification as a Mississippi Choctaw 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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lewis B. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw 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,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Lewis B. Harper,
Peoria, Illinois.

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

2

No. 7320

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Lewis B. Harper

Age 22 Blood 1/8

Post Office, Peoria, Ill.

Father: James B. Harper, I

Mother: Hannah F. " I

Claims through father 1/4

Children:

Claims for self alone

Stenographer Chas. Clifford

MISSISSIPPI CROUCH LAW

Lewis B. Harper

DECISION

COPY
ATTOR
CHECK

NOTICE APPLICANT. MAR 1 1904

ATTORNEY. MAR 1 1904

**RECORD FORWARDED DEPARTMENT.
JUN 13 1904**

ACTION
SECRETARY

M

ACTION

1904

ACTION

ACTION

ACTION

ACTION

Choctaw MCR 7321

William H. Johnson

MCR 7321

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 24, 1903.

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In the matter of the application of William H. Johnston
for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

William H. Johnston being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William H. Johnston.
Q What is your age? A Twenty-six.
Q What is your post office address? A Henry, Illinois.
Q How long have you lived in Illinois? A All my life.
Q And in Henry how long? A About three or four months.
Q Where have you lived most of the time in that state? A Magnolia
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Alexander W. Johnston.
Q What is your mother's name? A Frances Johnston.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Do you claim your father was one-quarter? A Yes, sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by
the Choctaw tribal authorities or the United States authorities?
A Not that I know of.
Q What is your wife's name? A Lissie.
Q Is she Indian or white? A White.
Q Is she living? A Yes, sir.
Q Do you make any claim for her? A No, sir.
Q Now give me the names of your children? A I have none.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any tribal roll of the Choctaw Nation in Indian
Territory? A I think not.
Q Have you ever made application for citizenship to the Choctaw
tribal authorities in Indian Territory or to the Dawes Commis-
sion under the act of Congress of June 10, 1896? A No, sir.
Q Have you 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 Terri-
tory? A I think not.
Q Do you want to be identified now as a Mississippi Choctaw claim-
ing under article fourteen? A I do.
Q Do you understand that article? A I think.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain
and become a citizen of the states shall be permitted to do so

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

- Q That is article fourteen under which you are making your claim do you know if any Choctaw ancestor complied or attempted 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 today? A Charles Harper.
- Q What relation to you? A Great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi or Alabama in 1830? A I don't know.
- Q You claim through your mother? A Yes, sir.
- Q And she claims through which parent? A Father.
- Q His name was what? A Reuben Harper.
- Q And was Charles Harper his father? A Yes, sir.
- Q Did Reuben Harper live in Mississippi or Alabama? A Not that I know of.
- Q Can you give the name of any Choctaw ancestor of yours who did live there in 1830 and had a family there? A No, sir.
- Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know.
- Q Did they go at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the ratification of the treaty and then get a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen? A I don't know.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed by Congress because of the complaints of Choctaw Indians that a good many of them had tried to register under article fourteen but had been

prevented from doing so by Colonel Ward, the agent, and because they were not allowed to register, the United States government afterwards took their land from them and sold said land.

- Q Did any of your Choctaw ancestors go before either of these commissions? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government in 1842 which authorized them to select land in either Mississippi, Alabama or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen and also proved their land had been taken from them and sold by the government.

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

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

- Q Do you want your case considered under the application of John Harper? A Yes, sir.
- Q John Harper came before this commission within the past few days and applied to be identified as a Mississippi Choctaw claiming through Charles Harper; is he a relative of yours? A Yes, sir.
- Q Do you know what relation? A No, sir.
- Q Do you want to have your case considered under his application? A Yes, sir.

The case of John Harper M.C.R. 7079 is here referred to for the purpose of consolidation.

- Q Have you any other evidence that you want to present now? A No, sir.

By attorney:

- Q Did you ever hear that your great grandfather tried to get land in Mississippi about 1830 as a Choctaw Indian? A No, sir.
- Q Have you been living apart from a great many of your relatives? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parantage, blue eyes, dark brown hair, medium fair complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen.

---o---

Chas. Diffendaffer being first duly sworn states that as

7321-4

statement to the Commission of the Five Civilized Tribes he reported the proceedings and that he had taken the same as a full and correct summary of his statements being taken in said cause on said date;

Chas. Wiffenduff

Subscribed and sworn to before me this 14th day of May 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 7321.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified William H. Johnston that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw 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,

Commissioner in Charge

M.C.R. 7321.

Muskogee, Indian Territory, November 4, 1903.

William H. Johnston,
Henry, Illinois.

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 your application as a Mississippi Choctaw 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,

Commissioner in Charge.

M C R 7321

Muskogee, Indian Territory, March 19, 1904.

William H. Johnston,
Henry, Illinois.

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted in support of your case by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.7321.

Muskogee, Indian Territory, June 26, 1906.

William H. Johnston,
Henry, Illinois.

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 19th day of March, 1904.

Respectfully,

Chairman.

W

No.

7321

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 24 1903

Name

William H. Johnston

Age

26 -

Blood

118

Post Office.

Henry, Ill -

Father:

Alexander^{W.} Johnston d

Mother:

Frances " l

Claims through

mother $\frac{1}{4}$

Wife,

Lizzie Johnston, w.l.

No claim for wife.

Children:

claims for self
alone

Stenographer

Chas. Jeffers, offic.

MISSISSIPPI
William H. Johnston

DECISION RENDERED. MAR 4 1904

COPY OF DECISION FORWARDED
AT FORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS MAR 4 1904

~~NOTICE OF DEPARTMENT~~ ~~FOR APPLICANT.~~ MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF DEPARTMENT
MAR 22 1904

NOTICE OF DEPARTMENT
ACTION MAILED BY SECRETARY
JUN 22 1904

NOTICE OF DEPARTMENT
FORWARDED AT FORNEYS
JUN 22 1904

NOTICE OF DEPARTMENT
FORWARDED AT FORNEYS
AND CHICKASAW NATIONS
JUN 22 1904

REFER TO M. C. R. 5670

Choctaw MCR 7322

Mary J. Johnson

MCR 7322

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Mary Jane Johnston for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Mary Jane Johnston being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary Jane Johnston.
- Q What is your age? A Twenty-two.
- Q What is your post office address? A Henry, Illinois.
- Q How long have you lived in the state of Illinois? A All my life.
- Q How long in Henry? A Just two months.
- Q Where have you lived most of your life? A Magnolia.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q What is your father's name? A Alexander W. Johnston.
- Q What is your mother's name? A Frances.
- Q She is living? A Yes, sir.
- Q Do you claim Choctaw blood through your father or mother? A Mother.
- Q How much do you claim? A One-eighth.
- Q Your mother is one-quarter? 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 Not that I know of.
- Q Are you married? A No, sir.
- Q You claim for yourself alone? A Yes, sir.
- Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities in Indian Territory or by the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five civilized Tribes, or the United States court in Indian Territory? A No, sir.
- Q Do you come before the Commission at this time 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 Yes, sir, I do.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be 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 That is article fourteen of the treaty of 1830 under which you are making your claim today; do you know whether any Choctaw ancestor complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you make your application now? A Charles Harper.
- Q What relation was he to you? A Great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q What relation is William H. Johnston to you? A My brother.
- Q You claim through your mother? A Yes, sir.
- Q And she claimed through her father? A Yes, sir.
- Q What was his name? A Reuben P. Harper.
- Q And he claims through his father Charles Harper? A Yes, sir.
- Q Did any of your Choctaw ancestors whose names you have given live in the old Choctaw Nation, either in Mississippi or Alabama, in 1830 and have a family there then? 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 at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go before Colonel Ward, the United States Indian Agent, at his agency in Natchez, Mississippi, within six months after the treaty of 1830 was ratified and register or attempt to register? A Not that I know of.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and then receive a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any go before a commission in 1842, or a commission in 1842, which commissions were appointed under various acts of Congress, and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed because of the complaints made by many Choctaw Indians that they had tried to register under article fourteen but were prevented from doing so by Colonel Ward,

the agent, and because they had been prevented they afterwards lost their land which was taken from them by the government and sold.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

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

Thirty days time will be allowed this applicant from the date hereof in which to introduce other proof in this case.

- Q Are you related to John Harper who has recently been before this commission to be identified as a Mississippi Choctaw claiming through Charles Harper? A Yes, sir.
 Q Do you know what relation? A No, sir.
 Q But you are sure you are related? A Yes, sir.
 Q Do you want to have your case considered under his application? A Yes, sir.

The case of John Harper 7079 is referred to.

By attorney:

- Q Do you remember to have heard the name of your great grandmother? A No, sir.
 Q Have you ever heard it discussed among the members of your family, or do you know from family history and tradition, anything about your great grandfather, his trying to get land in Mississippi in 1830 or 1831, as a Choctaw Indian? A No, sir.
 Q Is it not a fact that you for a good many years have lived apart from your relatives? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, gray eyes, brown hair, light complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the treaty of 1830.

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Chas. Diffendaffer 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 taken at Muskegee, Indian Territory March 24, 1903, and that the 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 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 7322

Muskogee, Indian Territory, November 6, 1903.

Mary J. Johnston,
Henry, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

SUBSTITUTE.

M.C.R. 7322

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Mary J. Johnston that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M C R 7328

Muskogee, Indian Territory, March 19, 1904.

Mary J. Johnston,
Henry, Illinois.

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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.

M.C.R.7322.

Muskogee, Indian Territory, June 26, 1905.

Mary J. Johnston,
Henry, Illinois.

Dear Madam:

You are hereby advised 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 19th day of March, 1904.

Respectfully,

Chairman.

X

No. 7322

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1905

Date

Name Mary J. Johnston

Age 22

Blood "8"

Post Office, Henry, Ill.

Father: Alexander W. Johnston, d

Mother: Frances " l

Claims through mother $\frac{1}{4}$

Children:

claims for self
alone

Stenographer Ches. Lefford of Gen.

A MISSISSIPPI CHOCTAW

Mary J. Johnston

DECISION RENDERED.

MAR 1 1904

CHICKASAW

MAR 1 1904

NOTICE OF DECISION RENDERED APPLICANT

COPIES OF DECISION RENDERED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPEAL
RETAINED

MAR

NOTICE OF DECISION
RENDERED

JUN 10 1905

NOTICE OF DECISION
RENDERED

NOTICE OF DECISION
RENDERED

5870

Choctaw MCR 7323

Elvira Johnson

MCR 7323

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Elvira A. Johnston for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison Attorneys.

Elvira A. Johnston being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Elvira A. Johnston.
 Q What is your age? A Twenty.
 Q What is your post office address? A Henry, Illinois.
 Q How long have you lived there? A All my life.
 Q How long in Henry? A Two 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 Alexander W. Johnston.
 Q What is your mother's name? A Frances.
 Q Do you claim through your father or mother? A Mother.
 Q How much Choctaw blood do you claim? A One-eighth.
 Q You claim your mother is one-quarter? A Yes, sir.
 Q Has she been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
 Q Are you married? A No, sir.
 Q Claim for yourself alone? A Yes, sir.
 Q Is your name on any tribal roll 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, or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and

forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you are making your claim today; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you make your application today? A Charles Harper.
- Q What relation was Charles Harper to you? A Great grandfather.
- Q What relation was William H. Johnston and Mary Jane Johnston to you? A Brother and sister.
- Q You claim through Charles Harper? A Yes, sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family living there then? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors lived on land in the old Choctaw Nation east of the Mississippi River for five years after the treaty was ratified and then receive a patent from the government for that land? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went before Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen? A I don't know.
- Q Did any of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent home in the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits as a Choctaw Indian under article fourteen? A I don't know.

These commissions were appointed, one in 1837 by an act of Congress approved March 3d of that year and the other by an act approved August 23, 1842, for the purpose of hearing Choctaw Indian claimants who tried to register under article fourteen of the treaty of 1830, but who were prevented from doing so by

Colonel Ward, the Indian Agent, and because he would not allow them to register their lands were afterwards taken from them and sold by the government at its public land sales.

- 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? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and authorized the holder to select land either in Mississippi, Alabama or Arkansas.

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

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

By attorney:

- Q Did you ever hear the name of your great grandmother? A No, sir.
Q If you have you do not now remember it? A No, sir.
Q Did you ever hear it mentioned in your family that your great grandfather in 1830 or 1831 tried to get land in Mississippi as a Choctaw Indian? A I don't know.
Q Is it not true that you now live and have for many years have lived separated and apart from a good many of your relatives? A Yes, sir.
Q And for this reason you have not had the opportunity to learn something of your family history? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage she has brown hair blue eyes, fair complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors.

---c---

Chas. Diffendaffer 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 taken at Muskogee, Indian Territory March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 14th day of May 1903.

Charles H. Sewer

Notary Public.

M C R 7323
M C R 6599
M C R 7011

Muskogee, Indian Territory, April 16, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing certified copy of marriage license and certificate between J. H. Cheatham and Miss N. B. Linam, offered in support of the application made by Nola Hellums for the identification of her minor child, Johnnie W. Cheatham, as a Mississippi Choctaw.

Also affidavits of Mrs. Margaret Manning and Henekiah J. Inman, offered in support of the application made by John F. Turnbull for the identification of himself and minor children as Mississippi Choctaws.

Also certificates of the Clerk of Putnam county, Illinois, relative to the marriage of Reuben Harper and Sarah Rouse, and Alexander W. Johnston and Sarah E. F. Harper, offered in support of the application made by Elvira A. Johnston for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R. 9323

Muskogee, Indian Territory, November 6, 1903.

Mivira A. Johnston,
Henry, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M.C.R. 7323

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Elvira A. Johnston that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskegee, Indian Territory, March 19, 1904.

Elvira A. Johnston,
Henry, Illinois.

Dear Madam:

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskegee, 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.

M.C.R. 7323.

Muskogee, Indian Territory, June 26, 1905.

Elvira A. Johnston,
Henry, Illinois.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

2

No. 7323

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1905

Name Elvira A. Johnston

Age 20 Blood 1/8

Post Office, Henry, Ill.

Father: Alexander W. Johnston

Mother: Frances " "

Claims through mother 1/4

Children:

claims for self alone

Stenographer Charles Doffner

IDENTIFICATION AB
A MISSISSIPPI CHOCTAW.

Elvira A. Johnston

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPEARED
SECRET

MAR

NOTICE OF DEPARTMENT
ACTION MAILED APPLICANT

JUN 24 1904

NOTICE OF DEPARTMENT
RECORDED ATTORNEY

JUN

NOTICE OF DEPARTMENT
RECORDED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

REF. TO M. C. R. 5570

Choctaw MCR 7324

Sam Best

MCR 7324

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. March 24, 1903.

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In the matter of the application of Sam Best for the identification of himself as a Mississippi Choctaw.

S. Heard attorney.

Sam Best being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Sam Best.
 Q What is your age? A Twenty-six.
 Q What is your post office address? A Stidham, Indian Territory.
 Q How long have you lived there? A Just came there in February.
 Q Where were you born? A Newton county Arkansas.
 Q Have you always lived in Arkansas until you come 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 Sam Best.
 Q What was your mother's name? A Matilda Snow.
 Q Was that her maiden name? A Yes, sir.
 Q Do you claim through your father or mother? A Mother.
 Q How much Choctaw blood do you claim? A One-eighth.
 Q You claim your mother was one-fourth? A Yes, sir.
 Q Has she ever been recognized or 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 I have been.
 Q You claim for yourself alone do you? A Yes, sir.
 Q Is your name on any tribal roll 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 or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States authorities in Indian Territory? A No, sir.
 Q Do you come before the commission at this time to be identified as a Mississippi Choctaw and make that claim through article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article well enough to claim under it? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

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

- Q That is article fourteen under which you are making your claim today; do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article? A Not before now.
- Q I mean seventy-three years ago? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim now to be identified? A Great grandmother.
- Q What was her name? A Cole.
- Q What was her full name? A Polly Cole.
- Q That was her maiden name? A Yes, sir.
- Q Who did she marry? A Solomon Snow.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A Claims three-fourths.
- Q How old would she be if living now? A I don't know.
- Q Where was she born and when? A I don't know.
- Q When and where did she die? A Died in Mississippi I suppose.
- Q Do you know? A No, sir.
- Q Did she live there in 1830 and have a family there at that time? A Yes, sir.
- Q Did she within six months after the treaty was ratified go to the United States Indian Agent, Colonel Ward and register or attempt to register under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did she or any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and then get a patent from the government? A No, sir.
- Q Did she or any Choctaw ancestor claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Yes, sir.
- Q Who did? A They all come.
- Q Who, all the Snows? A Yes, sir.
- Q Did Polly come with them? A No, sir, it was their children.
- Q Solomon and his wife didn't come? A No, sir their children.
- Q You claim through your mother? A Yes, sir.

- Q Who did she claim through? A Her father Eben Snow.
 Q And did he come? A Yes, sir, Choctaw tribe and made it his home.
 Q When did he come? A About sixteen years ago to the Choctaw.
 Q Eben Snow claimed through whom? A His mother.
 Q What was her name? A Polly Cole.
 Q She married Solomon Snow? A Yes, sir.
 Q Then it was sixteen years ago that Eben Snow come? A Yes, sir.
 Q That was your grandfather? A Yes, sir.
 Q Did any Choctaw ancestor own improvement on land in the old Choctaw Nation in 1830? A Not that I know of:

In 1837 by an act of Congress approved March 3d of that year and in 1842 by an act approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These Commissions were appointed to hear Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 but were prevented from so doing by Colonel Ward who refused to allow them their names to be put on his registry list and as a result these Indians had their land taken from them and sold by the government at its public land sale

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen? A No, sir.
 Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to these Choctaw Indians who proved their right under article fourteen and also proved their lands had been taken from them by the government and sold.

- Q What relation is Eben Best to you? A Brother.
 Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
 Q Do you want to have your case considered under his application? A Yes, sir.
 Q The application of Eben Best, brother of this applicant is here referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from the date hereof in which to introduce other proof in this case.

- Q Have you any other evidence you want to give now? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, medium dark complexion, gray brown eyes, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he re-

7324-4

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 24, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer.

Subscribed and sworn to before me this 13th day of May 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 7324.

Muskegee, Indian Territory, October 31, 1903.

Sam Best,

Stidham, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Joseph W. Henderson, et al., embracing the following applications for identification as Mississippian Chocataws:

Joseph W. Henderson, et al.,	M.C.R. 6486
Eben Best, et al.,	M.C.R. 6487
John H. Best, et al.,	M.C.R. 7310
Sam Best,	M.C.R. 7324
Susie Runsey,	M.C.R. 7311

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."

S. 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 Joseph W. Henderson, Dine Henderson, Sheridan Henderson, Sam Henderson, Marget Henderson, George Henderson, Eben Best, Albert Best, John H. Best, Willie Best, Johnnie Best, Sam Best and Susie Rumsey, as Choctaw Indians entitled 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).

Jane Bixby.
Chairman.

Registered.

COPY. M.O.R. 7324

Muskogee, Indian Territory, February 17, 1904.

Sam Best,

Stidham, Indian Territory,

Dear Sir:

You are hereby notified that on the 2nd day of February, 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 Joseph W. Henderson et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Z

No.

7324

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1906

Name Sam Best

Age 26

Blood 1/8

Post Office, Stedham, D. T.

Father: Sam Best. d

Mother: Matilda " d

Claims through mother 1/4

Children:

Claims for self

Stenographer Ches Wafford, Officer

Sam Best

REFUSED

REC'D

INT.

NO. 11 1905

NO. 11 1905
ACTION MAILED APRIL 11 1905

521

As - 6486

Choctaw MCR 7325

Spencer Cooper

MCR 7325

MISS.-CHOCTAW

Identification

R-7325

Spencer Cooper

Decision Rendered March 12, 1904

IDENTIFIED March 12, 1904

Copy of Decision Forwarded Applicant
March 16, 1904

Copy of Decision Forwarded Attorneys
for Choctaw and Chickasaw Nations
March 16, 1904

R-7325

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Spencer Cooper, for
identification as a Mississippi Choctaw, M.C.R.7325.

---o---

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

---o---

In the matter of the application of Spencer Cooper, for
identification as a Mississippi Choctaw, M.C.R. 7325.

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Decision of the Commission identifying said Spencer Cooper as a Mississippi Choctaw-----	3

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 24, 1903.

7325

In the matter of the application of Spencer Cooper for identification as a Mississippi Choctaw.

Spencer Cooper being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Spencer Cooper.
Q How old are you? A Twenty one.
Q What is your post office address? A Shady Point, Indian Territory.
Q How long have you lived there? A One year.
Q Where did you live before that? A Perry County, Mississippi.
Q Were you born in Perry County, Mississippi? A No sir.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life till you came to the Territory? A Yes.
Q What is your father's name? A Jacob Cooper.
Q Is he living? A Yes sir.
Q What is your mother's name? A Senie.
Q Is she living? A No.
Q Was your father a full blood Choctaw? A Yes.
Q Was your mother a full blood? A Yes.
Q You claim to be a full blood Choctaw? A Yes.
Q You claim your Choctaw blood through both your parents? A Yes sir.
Q Do you know the names of any of your grandparents- your father's mother or father or your mother's father or mother? A I don't know.
Q Are you married? A No.
Q This application is for yourself alone? A Yes.
Q Did you ever make any application before this time for citizenship or enrollment in the Choctaw Nation or has any such application been made for you? A Billie Hawkins applied for me four years ago.

It appears from the records of the Commission that on February 7, 1898, Billie Hawkins appeared before the Commission at Decatur, Mississippi, and made application for the identification of his minor ward, Pencil, as a Mississippi Choctaw, his name appearing upon the records of the Commission in Mississippi Choctaw card, Field No. 399.

- Q Are you sometimes known as Pencil Cooper? A Yes sir.
Q So far as you know all your people have been full blood Choctaw Indians? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows:

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

Q Is that the law under which you are now claiming the right to identification as a Mississippi Choctaw? A Yes.

Q Do you know whether any of your Choctaw ancestors ever received or claimed any land from the Government under that article? A I don't know.

Q Do you know whether any of your Choctaw ancestors ever received any scrip from the Government which entitled them to locate on land under the provisions of August 23, 1842, the act of Congress approved then? A Don't know anything about that.

Q All of your people have always been full blood Choctaw Indians?

A yes.

Q Do you speak or understand the Choctaw language? A Yes.

This applicant has the appearance and characteristics of a full blood Choctaw Indian; speaks the Choctaw language; he has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

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R. B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 24, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg
July

Subscribed and sworn to before me this 13 day of June, 1903.

Charles H. Sawyer

Notary Public.

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

---o---

In the matter of the application of Spencer Cooper,
for identification as a Mississippi Choctaw, M.C.R. 7325.

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

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission on March 24, 1903, by Spencer Cooper for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

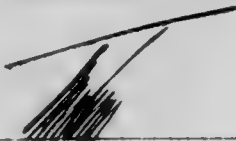
Section forty-one of the act of Congress entitled "An Act

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


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

It is therefore the opinion of this Commission that Spencer Cooper should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



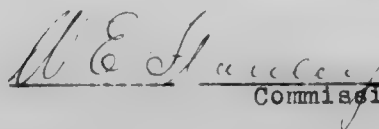
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 12 1904

M C R 7325

Muskogee, Indian Territory, November 19, 1903.

Spencer Cooper,
Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask if you have been identified.

In reply you are informed that it appears from our records that on March 24, 1903, you appeared before this Commission and made application for identification as a full blood Mississippi Choctaw. The Commission is now considering your application and it is probable that a decision will be rendered in the near future. Upon the rendition of a decision in your case you will be duly notified thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 16, 1904.

Sponcer Cooper,

Shady Point, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

G. R. Brockinridge.

Commissioner in Charge.

Registered.
Enc.: MCR-7325.

COPY.

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Spencer Cooper as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

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

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.
Enc.: MCR-7325.

No.

7325

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Date

Name

Spencer Cooper

Age

21

Blood

full

Post Office,

Shady Point, D. I.

Father:

Jacob Cooper Sr &

Mother:

Senie " Sr D.

Claims through

both parents

~~Child~~
Stenographer

R. B. Eisenberg

Choctaw MCR 7326

Edward M. Knapp

MCR 7326

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T., March 24, 1903.

7326

In the matter of the application of Edward M. Knapp for the identification of himself and his minor child, Nathan M. Knapp, as Mississippi Cheetaws.

Thomas & Garrison, attorneys for applicant.

Edward M. Knapp being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edward M. Knapp.
Q How old are you? A Thirty two.
Q What is your post office address? A Omaha, Nebraska; Army Building
Q How long have you lived there? A Since August, 1892.
Q Where did you live before that? A In Cuba four years.
Q Where before that? A St. Louis.
Q Where were you born? A Illinois.
Q You moved from Illinois to Missouri? A Yes sir.
Q What is your father's name? A John S. Knapp.
Q Is he living? A Yes sir.
Q What is your mother's name? A Christina H. Knapp.
Q Is she living? A Yes sir.
Q Through which parent do you claim? A Mother.
Q How much Cheetaw blood do you claim? A One eighth.
Q Was your mother through whom you claim the right to identification ever been recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes sir.
Q What is your wife's name? A Cecily F. Knapp.
Q Is she living? A Yes sir.
Q White woman? A Yes sir.
Q You make no claim for her? A No.
Q Have you any minor children? A Yes, one.
Q What is its name and age? A Nathan M., 15 months old.
Q Is that the only child you have? A Yes sir.
Q You are the father of this child? A Yes sir.
Q What is the name of the mother? A Cecily F. Knapp.
Q When and where were you married to Cecily F.? A In Clay County, Missouri.
Q Under a license? A Yes sir.
Q Have you your marriage license with you? A No.

It will be necessary that you furnish proof of your marriage in support of the application made for your minor child.

- Q This application then is for yourself and one minor child? A Yes.
- Q Through which one of her parents does your mother claim her Choctaw blood? A Her father.
- Q What was his name? A William Harper.
- Q What was your mother's mother's name? A Rebecca Rider.
- Q Is she a white woman? A Yes sir.
- Q Had ne Choctaw blood? A No.
- Q Through which one of his parents did William Harper claim his Choctaw blood? A His father.
- Q What was his father's name? A Charles Harper; he was full blood Indian.
- Q Charles Harper was your great grandfather? A Yes.
- Q Do you know through which parent he claimed? A His father and mother.
- Q Do you know the names of his parents? A No.
- Q Is your name or the name of your minor child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as a member of that tribe? A No.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No; not that I am aware of.
- Q Is this the first application of any description that has been made for you or your minor child? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

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

- Q Is that the provision of law under which you claim? A It is.
- Q What is the name of your Choctaw ancestor through whom you claim that right? A Heppia.
- Q What relation was Heppia to you? A My great great grandfather as far as anybody knows. This is all hear-say.
- Q You say it was Heppia? A Charles Harper was his first ancestor.
- Q Do you claim any farther back than Charles Harper? A Previous to that the name was Heppia.
- Q What was the name of the Choctaw ancestor who was living in 1830

in the old Chectaw Nation and head of a family there? A Charles Harper.

Q Did any of your Chectaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A No.

Q Were any of your Chectaw ancestors living in the old Chectaw Nation in 1830 when this treaty was made? A No.

Q Were any of your Chectaw ancestors recognized members of the Chectaw tribe of Indians at that time? A No.

Q Did any of your Chectaw ancestors own an improvement in the old Chectaw Nation in 1830? A No.

Q Did any of your Chectaw ancestors remove from the old Chectaw Nation East of the Mississippi River to the Chectaw Nation Indian Territory between 1833 to 1838? A I don't know that.

Q Did any of your Chectaw ancestors within six months from the ratification of the treaty of 1830 signify to the Indian in Mississippi at that time an intention to stay in the old Chectaw Nation, take land there and become citizens of the States? A Not that I am aware of.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi at that time to register the names of these Chectaws who might desire to remain in the old Chectaw Nation, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report the names of many Chectaws who really did signify their intention to remain and comply with the provisions of article fourteen of the treaty of 1830, and on this account in many instances the lands upon which the Indians lived and had improvements and which they desired reserved for them under that article were sold by the Government at public land sales and the Chectaws deprived of their land. This caused much complaint among the Chectaws and finally the matter was brought to the attention of Congress and Congress by acts approved March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Chectaw ancestors appear before either of the Commissions of 1837 or 1842 and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Chectaw had complied with the provisions of article fourteen of the treaty of 1830, he should be entitled to select land, in case his had been sold, in either the State of 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 Chectaw ancestors ever receive any such scrip from the Government under that act of Congress? A I don't know.

Q So far as you knew were any of your Chectaw ancestors ever recognized members of the Chectaw tribe of Indians? A No.

Q Did they ever receive any benefits as such? A No.

Q Did any of your Chectaw ancestors receive or claim any land from the Government under article fourteen of the treaty of 1830? A I don't know.

- Q Have you any witnesses you desire to call? A No.
Q Have you any documentary evidence to present? A No.
Q Do you desire time in which to present further evidence? A Yes sir

Thirty days time will be allowed for this purpose:

- Q Do you speak or understand the Choctaw language? A No.
Q Are there any further statements you wish to make? A No.

Examination by Mr. Harrison:

- Q You derive your information in reference to your Choctaw ancestors from conversations you have had with members of your family- it is a matter of family history and tradition with you? A Yes; I also met an Indian woman who met Heppia,
Q What do you know about the name of Heppia being the Indian name of Charles Harper? A I have heard someone say that was the translation.
Q You cannot state positively that such is the fact but merely give it as information you have from others? A Yes sir.
Q When did you know it was-- you do not know it is a fact? A No; I understand that such records existed and that name had been translated to Harper.

By the Commission:

- Q Have other of your relatives been before the Commission? A Yes sir.
Q Do you desire their cases considered with yours? A Yes sir.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; light complexion, gray eyes, brown hair; has no knowledge of the compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

--
R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes that he reported the proceedings had in the above entitled cause on March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} June, 1903.

Charles J. Sawyer

(7336
W.C.R. (7294
(7202-6829

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of
April 27, 1903, enclosing the following:

Certified copy of marriage license and certificate of
Edward M. Knapp and Cecily Flynn offered in support of the
application of Edward M. Knapp, et al., for identification
as Mississippi Choctaws.

Certified copy of the record of marriage of Wm. Harper and
Rebecca Rider offered in support of the application of Jennie
Atchison et al., for identification as Mississippi Choctaws.

Affidavit of Frank J. Harper offered in support of the ap-
plication of Frank J. Harper et al., for identification as Mis-
sissippi Choctaws.

Marriage license and certificate of Marcus Stockdale and
Ida Belle Hobbs offered in support of the application of Ida
Stockdale et al., for identification as Mississippi Choctaws.

The above mentioned documents have been filed with the
records in their respective cases.

Respectfully,

Chairman.

M.C.R. 7326

Muskogee, Indian Territory, November 5, 1903.

Edward M. Knapp,
Army Building,
Omaha, Nebraska.

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 your application for identification of yourself and minor child 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,

Commissioner in Charge.

M.C.R. 7326

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission has this day notified Edward M. Knapp that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and minor child 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,

Commissioner in Charge.

M C R 7326

Muskogee, Indian Territory, February 11, 1904.

Edward M. Knapp,
Hdqrs. Northern Division, Star Bldg.,
St. Louis, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, asking if a decision has been rendered in your case.

In reply you are informed that up to the present time no decision has been rendered relative to your right to identification as a Mississippi Choctaw. Upon the rendition of a decision you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

K C R 7326 .

Muskogee, Indian Territory, March 19, 1904.

Edward M. Knapp,
Army Building,
Omaha, Nebraska.

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 your application for the identification of yourself and your minor child, Nathan W. Knapp, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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.

M.C.R.7326.

Muskogee, Indian Territory, June 26, 1905.

Edward M. Knapp,
Army Building,
Omaha, Nebraska.

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 19th day of March, 1904.

Respectfully,

Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name Edward M Knapp

Age 32 Blood 1/8

Post Office, Omaha, Neb.

Father: John S. Knapp L
(County Bldg)

Mother: Christina H " L

Claims through Mother

wife: Cecily J Knapp L

(No claim for her,

Children:

Nathan M Knapp 15 mo

Application for self & one child,

Stenographer R. B. Eisenby

MISSISSIPPI PUBLIC LANDS
Edward M. Knapp

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT
CHICKASAW NATION

MAR 1 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF THE INTERIOR
M

UNITED STATES DEPARTMENTAL
OFFICE OF THE SECRETARY OF THE INTERIOR

JUN 16 1904

NOTICE OF DECISION
FORWARDED ATTORNEY

REFER TO M. C. R. 570

Choctaw MCR 7327

Billy P. Wilcher

MCR 7327

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

7327

In the matter of the application of Billy P. Wilcher for identification as a Mississippi Choctaw.

J.O. Peel, attorney for applicant.

Billy P. Wilcher, being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Billy P. Wilcher.
Q How old are you? A Twenty four.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived there? A Twenty four years.
Q Lived there all your life? A Yes sir.
Q What is your father's name? A H.T. Wilcher.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Jane Wilcher.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One fourth.
Q Through which one of her parents does your mother claim her Choctaw blood? A Both.
Q What is your mother's father's name? A Andrew Y. Haynes.
Q What is your mother's mother's name? A Sallie Waynes.
Q Through which one of his parents did Andrew Y. Haynes claim his Choctaw blood? A I don't know.
Q You are not able to trace your ancestry any farther back? A No.
Q Through which one of her parents did Sallie claim her Choctaw blood? A Both.
Q What was her father's name? A James Breckshier.
Q What was her mother's name? A Sallie Graves.
Q Do you know the names of the parents of James Breckshier? A No.
Q Or those of Sallie Graves? A No.
Q You are not able to trace your ancestry any farther back. A No.
Q How much Choctaw blood did Andrew Y. Haynes have? A Half.
Q How much did Sallie have? A Half.
Q How much did James Breckshier have? A Half.
Q How much did Sallie Graves have? A Half.
Q Are you married? A Yes.
Q What is your wife's name? A Bertie G.
Q Is she a white woman? A Yes sir.
Q Has no Choctaw blood? A No.
Q Is she living? A Yes sir.

- Q You make no claim for her? A No.
Q Have you any minor children? A One born in March this year.
Q What is the name of that child? A Mernie J.; this child was born March 7, 1903.

If this child has been born after the ratification of the treaty of July 1, 1902, commonly known as the Choctaw-Chickasaw agreement, the Commission is without authority to receive any application for its enrollment.

- Q This application then is for yourself alone? A Yes sir.
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation? A No.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a member of that tribe? A No.
Q Did you ever 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.
Q Was this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made for you or by you? A Yes.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes.
Q Do you understand that article? A Yes sir.

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

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes sir.
Q What is the name of your Choctaw ancestor through whom you claim this right? A Sallie Haynes.
Q Which one of your ancestors were living in the year 1830 and head of a family at that time? A James Breckshier.
Q How old is your mother at this time? A Forty seven.
Q Do you know where her father was born? A No.
Q Or her mother? A She was born in Mississippi.
Q Do you know how old Sallie Haynes would be if living now? A No.
Q Do you know when James Breckshier and Sallie Haynes were married? A No.
Q Were any of your ancestors living in the old Choctaw Nation when this treaty was made? A I don't know.
Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A I don't know.

- Q Did any of them ever comply or attempt to comply with the provision of article fourteen of the treaty of 1830? A My great grandfather did, James Broekshier.
- Q How did he attempt to comply? A I don't know.
- Q How do you know that he attempted to comply? A He tried and was turned down.
- Q To whom did he apply? A Col. Ward.
- Q When? A In 1830? X
- Q Do you mean he applied within six months after the treaty of 1830 was ratified? A Yes sir.
- Q You are sure about that? A Yes.
- Q Did James Broekshier have a Choctaw Indian name? A He did but I don't remember it.
- Q Through whom do you get your information that James Broekshier applied to Col. Ward within six months after the ratification of the treaty of 1830 and endeavored to obtain land in Mississippi? A Through my grandparents.
- Q How long have you known that? A About nine years.
- Q You are not sure that application was made under the provisions of article 14 of the treaty of 1830? A Yes.
- Q What makes you sure of that? A I have been told so.
- Q Who told you? A My grandparents.
- Q They told you he went to Col. Ward within six months after the ratification of the treaty of 1830 and tried to take land under article 14 of that treaty? A He went to register and was turned down.
- Q Was that under article 14 of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in the old Choctaw Nation at that time? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A I don't know.
- Q Then you don't know whether this application you say James Broekshier made for land was under article 14 or not? A No sir, I don't but he went in 1830 and was turned down.
- Q You have known that for nine years? A Yes sir.
- Q This is the first application you have ever made for citizenship or enrollment in the Choctaw Nation? A Yes sir.
- Q How is it you have never made application before this time? A I don't know why.
- Q How long did James Broekshier live in Mississippi? A I don't know.
- Q Was he born there? A Yes.
- Q Died there? A I don't know.
- Q Where was your mother born? A In Mississippi.
- Q What County? A I don't know.
- Q Was it within the confines of the old Choctaw Nation in Mississippi? A I don't know.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed an agent in Mississippi at that time to register the names of these Choctaws who might desire to remain there, take land and become citizens of the States. The records of the Government show that this agent failed to register and report the names of many Choctaws who really did signify their intention to remain in the old Choctaw Nation, take advantage of the provisions of article 14 of the treaty of 1830. On this account in many instances the lands upon which the Indians lived and had improvements and which they desired reserved for them were sold by the government at public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the

matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors ever appear before either of these Commissions and endeavor to have their rights established under the provisions of article 14 of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip under this act of Congress from the Government? A No.

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No.

Q Have they ever received any benefits as such? A No.

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

Q Have you any witnesses? A No.

Q Have you any documentary evidence to present? A No.

Q Do you desire time in which to present further evidence? A Yes.

Thirty days time will be allowed for this purpose.

Q Have any relatives of yours appeared before the Commission to make application? A Yes sir; Mary J. Wilcher.

Q What relation is she to you? A My mother; and A.Y. Wilcher, my brother and Wallace H. Wilcher, my brother.

Q Do you desire your case considered with theirs and those of other relatives of yours? A Yes sir.

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

This applicant has the appearance of being a white man; shows no indications of possessing Choctaw blood; has light complexion, gray eyes, brown hair; has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830 except that he has heard his great grandfather endeavored to obtain land in Mississippi.

--

R.B. Eisenberg being sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported the above case on March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 13 day of June, 1903.

R. B. Eisenberg
Charles H. Hays
Notary Public.

M C R 6964
M C R 7296
M C R 7327

Muskogee, Indian Territory, April 23, 1903.

J. O. Pool,
Attorney at Law,
Kocena, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between W. P. Wilcher and Ola Moyers, offered in support of the application made by Billy P. Wilcher for identification as a Mississippi Choctaw.

Also certified copy of marriage license and certificate between Wallace Wilcher and Susie McClendon, offered in support of the application made by Wallace H. Wilcher for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between A. Y. Wilcher and Stella Malley, offered in support of the application made by A. Y. Wilcher for identification as a Mississippi Choctaw.

Said documents have been filed with the record in the respective cases.

In your letter you ask that the above mentioned parties be allowed fifteen days additional time in which to offer further

J O P E

evidence in support of their claims. You are advised that such extension is hereby granted.

Respectfully,

Chairman.

M C R 7327

COPY.

Muskogee, Indian Territory, April 5, 1904.

Billy P. Wilcher,
Ferris, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you.

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

Respectfully,

(SIGNED)

I. ...
Commissioner in Charge.

Registered.

M.C.R. 7327

Muskogee, Indian Territory, September 26, 1904.

COPY

Billy P. Wilcher,
Ferris, Texas,

Dear Sir:

You are hereby notified that on the 22d 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 Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Jame Bixby.

Chairman.

MOR-7327

Muskogee, Indian Territory, October 30, 1906.

Billy P. Wilcher,
Warris, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 7327

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Name ^{Date} Billy P. Wilcher

Age 24 Blood 1/4

Post Office, Ferris, Texas

Father: ~~John~~ H. T. Wilcher L

Mother: Mary J. " L

Claims through mother

Wife: Bertie O. Wilcher w. L
(No claim for her)

~~Claims:~~

(Claims for self alone)

Stenographer

R. B. Eisenberg

Willy P. Wilcher

REFUSED.

NOTICE OF DECISION FORWARDED
APPLICANT

APR - 5 1904

COPY OF DECISION WAS
FORWARDED TO THE APPLICANT
BY REGISTERED MAIL

NOTICE OF DECISION
FORWARDED TO THE APPLICANT

RECORD FOR THE DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO THE APPLICANT BY REGISTERED MAIL

APPROVED BY THE SECRETARY OF THE INTERIOR

REFER TO M. C. R.

Choctaw MCR 7328

Sam Daffin

MCR 7328

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T., March 24, 1903.

7328

In the matter of the application of Sam Daffin for the identification of himself and his six minor children, Patty, Sidney, Isham, James, Jennie and Mary B. Daffin, as Mississippi Chectaws.

Sam Daffin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sam Daffin.
Q How old are you? A Forty seven.
Q What is your post office address? A Chilton, Texas.
Q How long have you lived there? A Thirty three years.
Q Where did you live before that? A Alabama.
Q Were you born there? A Yes sir.
Q What place? A Clark County.
Q You lived there all your life till you moved to Texas? A Yes sir.
Q What is your father's name? A Andrew Daffin.
Q Is he living? A No.
Q What is your mother's name? A Elizabeth A. Daffin.
Q Is she living? A No.
Q Through which parent do you claim your Chectaw blood? A Mother.
Q How much Chectaw blood do you claim? A A sixteenth.
Q Has your mother through whom you claim your right to identification as a Mississippi Chectaw ever been recognized in any manner or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States? A Not that I knew of.
Q Through which one of her parents does your mother claim? A Her father.
Q What was his name? A James Gill.
Q What was her mother's name? A Katie.
Q Through which one of his parents did James Gill claim his Chectaw blood? A Don't know.
Q You are not able to trace your ancestry any farther back? A No sir.
Q How old would your mother be if living? A Seventy eight.
Q Do you know when and where your grandfather died? A In 1872.
Q Then he was married and head of a family in 1830? A Yes sir.
Q Did he have a Chectaw Indian name? A Not that I knew of.
Q Was his wife a white woman and ~~claim~~ claimed no Chectaw blood? A No.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mary B. Daffin.
Q Is she a white woman? A Yes sir.
Q Living? A Yes sir.
Q You make no claim for her? A No.

- Q Have you any minor children for whom you wish to apply? A Yes sir.
Q What are their names and ages? A Patty, 20; Sidney, 16; Isham, 12; James, 10; Jennie, 10; Mary B., 5.
Q This application then is for yourself and six minor children?
A Yes sir.
Q Are you the father of these children? A Yes sir.
Q And Mary B. is the mother? A Yes sir.
Q These children claim through you? A Yes sir.
Q Where were you married? A In Texas.
Q Were you married under a license? A Yes sir.
Q Have you any evidence of the marriage with you? A Yes sir.

Applicant presents certified copy of the marriage license and certificate between Sam B. Paffin and Mary D. Womack, which is received, marked Exhibit "A" and made a part of the record.

- Q Is your name or the names of any of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
Q Did you or did anyone for you make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No.
Q Did you or anyone for you or for your minor children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
A No sir.
Q Is this the first application of any description for citizenship or enrollment that has ever been made by you or in your behalf or in behalf of your minor children? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

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

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes sir.
Q What is the name of your Choctaw ancestor through whom you claim this right? A James Gill.
Q Did he have a Choctaw Indian name? A No sir.
Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A No sir.

knew of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation at the time this treaty was ratified? A My grandfather, Gill, was.

Q Was it within the confines of the old Choctaw Nation in Alabama? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them own an improvement in what constituted the old Choctaw Nation in 1830? A I can't tell.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty signify to the Indian agent in Mississippi at that time an intention to stay there, take land and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever remove from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 to 1838? A No sir, I don't think they ever did.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed and agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with article 14 of the treaty of 1830. The records of the Government show that this agent failed to register and report the names of many Choctaws who really did signify an intention to remain, take land and become citizens of the States; on this account in many instances the lands upon which the Indians lived and had improvements and which they desired reserved for them were sold by the Government at Public Land Sales and the Choctaws deprived of their land. This caused many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissioners whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before the Commission appointed in 1837 and 1842 and endeavor to establish their rights under article 14 of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either of the States of 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 under that act of Congress? A I don't know.

Q So far as you knew were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No.

Q Have any of them ever received benefits as such? A Not that I know of.

- Q Have you any witnesses you want to call at this time? A No .
Q Any documentary evidence to present? A No.
Q Do you desire time in which to introduce additional testimony?
A Yes sir.

Thirty days time will be allowed for this purpose.

- Q Do you speak the Choctaw language? A No.
Q Are there any further statements you desire to make? A No.
Q Have any of your relatives been before the Commission? A Yes; Marcus L. Daffin, my brother.
Q Who else? A Leena Cook, my sister.
Q Do you desire your case considered with heirs? A Yes sir.

Applicant has the appearance of a white man; dark complected, brown eyes, dark hair, looks as if he might be possessed of some Indian blood; has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 24, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1903.

Charles W. Sawyer

Notary Public.

- Q Have you any witnesses you want to call at this time? A No .
Q Any documentary evidence to present? A No.
Q Do you desire time in which to introduce additional testimony?
A Yes sir.

Thirty days time will be allowed for this purpose.

- Q Do you speak the Chestaw language? A No.
Q Are there any further statements you desire to make? A No.
Q Have any of your relatives been before the Commission? A Yes; Marcus L. Daffin, my brother.
Q Who else? A Leena Cook, my sister.
Q Do you desire your case considered with heirs? A Yes sir.

Applicant has the appearance of a white man; dark complected, brown eyes, dark hair, looks as if he might be possessed of some Indian blood; has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

--

R.B.Eisenberg, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 24, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1903.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, November 21, 1903.

Sam Daffin,

Chilton, Texas.

Dear Sir:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Marcus L. Daffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Marcus L. Daffin, et al.,	M.C.R. 6929
Sam Daffin, et al.,	M.C.R. 7328
Leona Cook, et al.,	M.C.R. 6928
Paul W. Lane,	M.C.R. 7329
Will Lane, et al.,	M.C.R. 7330

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 Marcus L. Daffin, Henry L. Daffin, James H. Daffin, Charles W. Daffin, Mark

Sam Daffin, --2

Daffin, Douglas Daffin, Ellen E. Daffin, Sam Daffin, Patty Daffin, Sidney Daffin, Isham Daffin, James Daffin, Jennie Daffin, Mary Daffin, Leona Cook, Marcus V. Cook, Nannie E. Cook, Ronald Earl Cook, Ethel Moore Cook, Dora Cook, Alma Cook, Loma Cook, May Cook, Paul W. Lane, Will Lane and Edna 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,

Tamc Birby.
Chairman.

Registered.

COPY.

M.C.R. 7328

Muskogee, Indian Territory, February 20, 1904.

Sam Daffin,

Chilton, Texas,

Dear Sir:

You are hereby notified that on the 10th day of February, 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 Marcus L. Daffin, et al., of which decision you were advised by registered mail on the 21st day of November, 1903.

Respectfully,

Commissioner in Charge.

No. 7328

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Date _____
 Name *Sam Daffin*
 Age *47* Blood *I/O*
 Post Office, *Chilton, Texas*
 Father: *Andrew ~~Daffin~~ D.*
 Mother: *Elinabeth A. " D.*

Claims through *mother*
 wife *Mary B Daffin w L*
 (*No claim for her*)

Children:

<i>Patty Daffin</i>	<i>(F)</i>	<i>20</i>
<i>Sidney</i>	<i>(M)</i>	<i>16</i>
<i>Isam</i>	<i>"</i>	<i>12</i>
<i>James</i>	<i>"</i>	<i>10</i>
<i>Jennie</i>	<i>"</i>	<i>10</i>
<i>Mary B.</i>	<i>"</i>	<i>5</i>

(*Claims for self & 6 children*)

Stenographer

R. B. Eisenberg

A MISSISSIPPI COURT LAW.

Sam Daffin, et al

REMOVED

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Choctaw MCR 7329

Paul W. Lane

MCR 7329

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

M.C.R. 7329.

In the matter of the application of Paul W. Lane for identification as a Mississippi Choctaw.

Paul W. Lane being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Paul W. Lane.
Q How old are you? A Twenty eight.
Q What is your post office address? A Cleburne, Texas.
Q How long have you lived there? A Since December.
Q Where did you live before that? A In Calburn County, Texas.
Q Where were you born? A In Texas.
Q What is your father's name? A John Lane.
Q Is he living? A Yes sir.
Q What is your mother's name? A Alice.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much do you claim? A An eighth.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Through which one of her parents does your mother derive her Choctaw blood? A Her mother.
Q What is her name? A Elizabeth Ann Gill.
Q Was that her maiden name? A Yes sir.
Q Whom did she marry? A Andrew Daffin.
Q A white man? A Yes sir.
Q Claimed no Choctaw blood? A No.
Q Through which one of her parents did Elizabeth Ann Gill claim her Choctaw blood? A Her father.
Q What was his name? A James Gill.
Q What was her mother's name? A I don't know.
Q Was she a white woman? A Yes sir.
Q No claim for her? A No.
Q James Gill was your grandfather? A Yes sir.
Q Are you able to trace your ancestry any farther back? A No.
Q How much Choctaw blood did James Gill have? A A fourth.
Q If your great grandfather had a fourth your grandmother would have an eighth and your mother a sixteenth, that would make you 1/32. You claim 1/32 then instead of 1/8, don't you? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Levert.
Q Is she living? A Yes sir.
Q White woman? A Yes sir.
Q Do you claim for her? A No.
Q Do you have any minor children? A No.

- Q This application is for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir, not that I know of.
- Q This is the first application of any description for citizenship or enrollment in the Choctaw Nation you have ever made? A Yes sir.
- Q You appear at this time for the purpose of claiming rights in the Choctaw Nation under the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

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

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your ancestor through whom you claim this right? A James Gill.
- Q Your great grandfather? A Yes sir.
- Q Was he married in 1830 and head of a family then? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation when this treaty was ratified? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in the old Choctaw Nation in Mississippi in 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation to the Choctaw Nation, Indian Territory between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Indian agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A Not that I know of.
- Q Did any of your Choctaw ancestors claim or receive any land from the Government under the provisions of article 14 of the treaty of 1830? A I don't know.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw nation and comply with the provisions of article 14 of the treaty of 1830: the records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify an intention to stay in Mississippi, take land there and become citizens of the States, and on this account in many instances the lands upon which the Indians lived and had improvements and which they desired reserved for them were sold by the Government at its public land sale and the Choctaws deprived of their land. This caused many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions and endeavor to establish their rights under article 14 of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him; the certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A Not that I know of.

Q So far as you knew were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No.

Q Have they ever received any benefits as such? A Not that I know of.

Q Have you any witnesses you desire to call? A No.

Q Any documentary evidence? A No.

Q Do you desire time in which to introduce it? A Yes.

Thirty days time will be allowed for that purpose.

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

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

Q Have any of your relatives appeared before this Commission prior to this time to make application? A Two of them; Sam Daffin, Marcus Daffin and Leona Cook.

Q Do you desire your case considered with that of other relatives of yours claiming through the same common ancestor? A Yes.

This applicant has the appearance of being a white man; dark complexioned, dark brown eyes, black eyes; has appearance of possessing

some indian blood; has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on the 24th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of July, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 7329

Muskogee, Indian Territory, November 21, 1903.

Paul W. Lane,

Gleburne, Texas.

Dear Sir:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Marcus L. Daffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Marcus L. Daffin, et al.,	M.C.R. 6929
Sam Daffin, et al.,	M.C.R. 7328
Leona Cook, et al.,	M.C.R. 6928
Paul W. Lane,	M.C.R. 7329
Will Lane, et al.,	M.C.R. 7330

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 Marcus L. Daffin, Henry L. Daffin, James H. Daffin, Carlos W. Daffin, Mark

Paul W. Lane, --2

Daffin, Douglas Daffin, Ellen E. Daffin, Sam Daffin, Patty Daffin, Sidney Daffin, Isham Daffin, James Daffin, Jennie Daffin, Mary Daffin, Leona Cook, Marcus V. Cook, Nannie N. Cook, Ronald Earl Cook, Ethel Moore Cook, Dora Cook, Alma Cook, Loma Cook, May Cook, Paul W. Lane, Will Lane and Edna 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.
Chairman.

Registered.

COPY. M.C.R. 7329

Muskogee, Indian Territory, February 20, 1904.

Paul W. Lane,

Cleburne, Texas,

Dear Sir:

You are hereby notified that on the 10th day of February, 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 Marcus L. Daffin et al., of which decision you were advised by registered mail on the 21st day of November, 1903.

Respectfully,

Commissioner in Charge.



FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Name ^{Date} Paul W. Lane
 Age 28 Blood ~~1/2~~ 1/32
 Post Office, Cleburne, Texas
 Father: John Lane L
 Mother: Alice " L

Claims through ^{mother}
 Wife Levert Lane W. L

(No claim for her,

(Claims for self
 alone,

Stenographer R. B. Rosenberg

FOR IDENTIFICATION AS
A MEMBER OF THE PITCHOCTAW.

Paul W. Lane

REFUSED

SECRETARY OF THE PITCHOCTAW.

NO FORWARDED BY LAW

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

FILED

DEC 2 1903

A handwritten signature in dark ink, appearing to be 'J. H. ...', written over the date stamp.

CHAIRMAN

1123
1108

3



Department of the Interior.

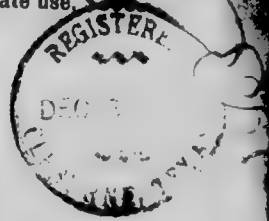
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$200.

Return to Writer

Paul W. Lane,
Cleburne, Texas.



Cleburne, Texas

NOV 23 1913

Choctaw. MCR 7330

Will Lane

MCR 7330

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, I.T., March 24, 1908.

7330

In the matter of the application of Will Lane for the identification of himself and his minor child, Edna Lane, as Mississippi Choctaws.

Will Lane being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Will Lane.
Q How old are you? A Thirty.
Q What is your post office address? A Chilton, Texas.
Q How long have you lived there? A All my life.
Q What is your father's name? A John Lane.
Q Is he living? A Yes sir.
Q What is your mother's name? A Alice.
Q Is she living? A Yes.
Q Through which parent do you claim? A Mother.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Through which one of her parents does your mother claim? A Her mother.
Q What is her name? A Elizabeth.
Q How old would she be if living? A About 78.
Q Through which one of her parents did she claim? A Her father.
Q What was her father's name? A James Gill.
Q That was your great grandfather? A Yes.
Q You knew through which one of his parents James Gill claimed? A No.
Q You are not able to trace your ancestry any farther back? A No.
Q What was the name of the husband of Elizabeth? A Andrew.
Q A white man? A Yes.
Q Claimed no Choctaw blood? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Burnetta.
Q White woman? A Yes.
Q Has he Choctaw blood? A No.
Q You make no claim for her? A No.
Q Is she Choctaw? A Yes.

- Q Have you any minor children? A One; Edna, three years old.
Q You are the father of this child? A Yes.
Q Burnetta the mother? A Yes sir.
Q This child claims through you? A Yes.
Q When and where were you married to Burnetta? A Pauls County, Texas in 1895.
Q Were you married under a license? A Yes sir.
Q Have you any evidence of that marriage with you? A No sir.

It will be necessary that you supply the Commission with proof of that marriage in support of this application for your minor child.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you or anyone for you ever make application to the Choctaw tribal authorities for enrollment as a member of that tribe? A No sir.
Q Did you or anyone for you ever make application 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 the first application of any description that has been made by you or in your behalf? A Yes sir.
Q You appear before the Commission at this time to claim identification as Mississippi Choctaws for yourself and child under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article? A Yes sir.

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

- Q Is that the provision of law under which you claim your right to identification as a Mississippi Choctaw? A Yes sir.
Q What is the name of your Choctaw ancestor through whom you claim this right? A James Gill.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article? A No sir, not that I know of.

Q Were any of them living in Mississippi and Alabama when this treaty was made? A Yes sir.

Q Where? A In Clark County, I guess.

Q Was that within the limits of the old Choctaw Nation? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of them own an improvement in what constituted the old Choctaw Nation then? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? 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 and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government? A I don't know.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed an agent in Mississippi at that time to register the names of those Choctaws who might desire to remain take land there and become citizens of the States; the records of the Government show that this agent failed to register and report the names of many Choctaws who really did signify such intention and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them were sold by the Government at its public land sale and the Choctaws deprived of their land; this caused many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either the Commission appointed in 1837 or that of 1842 and endeavor to establish rights under article 14? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but had been deprived of his land that he should be entitled to select land elsewhere either in Mississippi, Alabama, Louisiana or Arkansas-- and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A Not that I know.

Q So far as you know none of your ancestors have ever been recognized members of the Choctaw tribe of Indians? A No sir.

Q Have they ever received any benefits as such? A No.

Q Have you any witnesses you desire to call? A No.

- Q Have you any documentary evidence to submit? A No.
Q Do you desire time? A Yes.

Thirty days time will be allowed this applicant in which to produce additional testimony in support of his case.

- Q Do you speak the Choctaw language? A No.
Q Are there any further statements you wish to make? A No.
Q Have you any relatives been before the Commission to make application for identification as Mississippi Choctaws? A Yes; Marcus L. Daffin; Samuel Daffin; Leona Cook and Paul W. Lane.
Q Do you desire your case considered with theirs? A Yes.

This applicant has the appearance of a white man; shows no indication of possessing Choctaw blood; brown hair, brown eyes; has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of July, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 9, 1903.

W. D. Lane,
Chilton, Texas.

Dear Sir:

On April 5th there was received at this office an envelope bearing your return card, in which was enclosed certified copy of marriage record between H. L. Daffin and Cora Horwell, and certified copy of marriage record between J. F. Cook and Miss Leona Daffin. You do not advise in which case these documents should be filed. It is not known for what purpose they were sent and the same are herewith returned.

Respectfully,

(Chairman.

McM 3

COPY.

Muskogee, Indian Territory, November 21, 1903.

Will Lane,
Chilton, Texas.

Dear Sir:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Marcus L. Daffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Marcus L. Daffin, et al.,	M.C.R. 6929
Sam Daffin, et al.,	M.C.R. 7328
Leona Cook, et al.,	M.C.R. 6928
Paul W. Lane,	M.C.R. 7329
Will Lane, et al.,	M.C.R. 7330

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 Marcus L. Daffin, Henry L. Daffin, James H. Daffin, Carlos W. Daffin, Mark

Will Lane, --2

Daffin, Douglas Daffin, Ellen E. Daffin, Sam Daffin, Patty Daffin, Sidney Daffin, Isham Daffin, James Daffin, Jennie Daffin, Mary Daffin, Leona Cook, Marcus V. Cook, Mennie W. Cook, Ronald Earl Cook, Ethel Moore Cook, Dora Cook, Alma Cook, Loma Cook, May Cook, Paul W. Lane, Will Lane and Edna 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,

Tamc Dinky
Chairman.

Registered.

COPY.

M.C.R. 7330

Muskogee, Indian Territory, February 20, 1904.

Will Lane,

Chilton, Texas,

Dear Sir:

~~You are hereby notified that on the 10th day of February,~~
1904, the Secretary of the Interior affirmed the decision of this
Commission refusing the applications for identification as Missis-
sippi Choctaws of the several persons included in the consolidated
case of Marcus L. Daffin, et al., of which decision you were advised
by registered mail on the 21st day of November, 1903.

Respectfully,

Commissioner in Charge.

7330

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Name ^{Date} Will Lane

Age 30 Blood 1/32

Post Office, Chilton Texas.

Father: John Lane L

Mother: Alice " L

Claims through Mother
Wife: Bernetta Lane, w. L

No claim for her

Children: Edna Lane 3

(Claims for self + child)

Stenographer R.B. Eisenberg

A MISSISSIPPI CHOCTAW.

Will Lane, et al

REFUSED

INT.

APPROVED BY

NATIONAL

Choctaw MCR 7331

William M. Wood

MCR 7331

#7331.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 24, 1903.

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

Appearance: Thomas & Harrison, Attorneys for Applicant.

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

Examination by the Commission:

- Q What is your name? A William M. Wood.
Q What is your age? A Twenty-six.
Q What is your post office address? A Walnut Shade, Missouri.
Q How long have you lived in Missouri? A All my life.
Q Were you born there? A Yes.
Q What is your father's name? A Henry Wood.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Adalida Wood.
Q Is she living? A Yes, sir.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A 1/16.
Q Through which one of his parents does your father derive his Choctaw blood? A His mother.
Q What was her name? A Melvina Freeman.
Q What is your father's father's name? Samuel Wood.
Q Through which one of her parents does your grandmother claim her Choctaw blood? A Through Alabeath Ball.
Q Your great-grandmother? A Yes, sir.
Q Alabeath Ball was her maiden name, was it not? A Yes, sir.
Q Who did she marry? A Aaron Freeman.
Q He was a white man? A Yes, sir.
Q He had no Choctaw blood? A No, sir.
Q How much Choctaw blood did Alabeath have? A One-half.
Q Do you know through which parent Alabeath claimed? A No, sir.
Q How old is your father at this time? A 65.
Q Did he have any elder brothers or sisters? A Yes, sir.
Q How much elder? A I don't know.
Q About how much elder? A 15 years I guess.
Q Do you know whether Melvina Freeman and Samuel Wood were married before 1830? A I don't know.
Q Are you married? A No, sir.
Q You claim for yourself alone? A Yes.
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 ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
Q Is this the first application of any description that has been made for you for citizenship in the Choctaw Nation? A Yes.

William M. Wood -----2.

- Q You appear before the Commission at this time for the purpose of claiming rights in the lands of the Choctaw Nation, Indian Territory, under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

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

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification? A Alabeath Ball.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Yes, sir; I heard my parents say Alabeath tried to apply once.
- Q Do you know whether that attempted compliance on her part was under article fourteen? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation when this treaty was ratified in 1830? A I have forgotten now.
- Q Where was Alabeath Ball born? A In North Carolina.
- Q When did she remove from the state of North Carolina? A I could not say.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was ratified? A I could not tell.
- Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 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, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land from

William M. Wood -----3.

the government of the United States under the provisions of article fourteen of the treaty of 1830? A No.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I could not say.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the government under this act of Congress? A No.

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I could not say.

Q So far as you know have any of your Choctaw ancestors ever received any benefits from the United States government as Choctaw Indians? A No, sir.

Q Have you any witnesses? A No, sir.

Q Have you any affidavits to present?

Applicant offers in evidence joint affidavit of S. T. Weatherman, Martha Cummings and C. C. Weatherman, as to the marriage of this applicant's parents, which is filed, marked Exhibit A, and made a part of the records in this case.

Q Do you desire time in which to introduce additional evidence in support of your claim? A Yes, sir.

Thirty days time from the date of this application will be allowed within which to present further evidence in support of same.

William M. Wood -----4.

By Mr. Harrison:

- Q You have stated that you claim through Alabeath Ball; in this you are mistaken as you claim under Alabeath Freeman who was Alabeath Ball? A Yes.
- Q Then you do not claim under Alabeath Ball but Alabeath Freeman who was Alabeath Ball? A Yes, sir.
- Q Was Aaron Freeman a white man? A Yes, sir.
- Q How much Choctaw blood did Alabeath Freeman have? A One-half.
- Q Are you married? A No.
- Q Have you ever heard it mentioned in your family or is it a matter of family history or tradition that any of your Choctaw ancestors tried to get land in Mississippi in 1830 or the spring of 1831, as Choctaw Indians? A Yes, sir, I have heard my father say he heard his grand-parents talk about Alabeath Freeman trying to get land but was refused.
- Q Where did she go? A Some place in Mississippi.
- Q To whom did she apply? A I think it was Ward.
- Q And by him refused registration? A Yes.
- Q Have you understood why she was refused? A Nothing, only he was drunk--my father said.
- Q Are you related to John H. Bennight? A Yes.
- Q Are you related to John F. Turnbull? A Yes.
- Q Are they applicants before the Commission for identification as Mississippi Choctaws? A Yes.
- Q Through whom do they claim? A Through Alabeath Freeman.

(Statement by Mr. Harrison): "We would like to have this case consolidated with those of John H. Bennight and John F. Turnbull."

Reference is made to the case of John H. Bennight, M.C.R. 6255, and the case of John F. Turnbull, M. C. R. 6599, for the purpose of consolidation.

By the Commission:

- Q When did you first learn that your great-grandmother, Alabeath Freeman, applied for land and was refused? A About 6 or 7 years ago when I was down in Arkansas.
- Q But this is the first application for citizenship in the Choctaw Nation you have ever made? A Yes.
- Q How long have you known that you possessed Choctaw blood? A I know just what I heard.
- Q When did you first hear it? A 10 or 12 years ago.
- Q You stated, I think, that your father, Henry Wood, is about 68. A I think he is about 65.
- Q And that he had older brothers and sisters, the oldest of which was about 15 years older than he? A Yes.
- Q If your father's oldest brother or sister was 15 years older than himself then your father's parents were married prior to 1830? A I guess that's right.
- Q You don't know of any act of compliance on the part of Melvina Wood with the provisions of article fourteen of the treaty of 1830? A No.
- Q You never heard that Melvina Wood went to the Agent and was refused registration? A No, sir.
- Q Do you speak or understand the Choctaw language? A No.

William M. Wood -----B.

This applicant has the appearance of being a white man; shows no indication of being possessed of Choctaw blood; has dark complexion, brown eyes, brown hair, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes reported in full the proceedings had in the above entitled case on the 24th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 13th day of May, 1903.

Charles K. Sawyer
Notary Public.

COPY.

M. C. H. 7321

Muskogee, Indian Territory, June 15, 1904.

William M. Wood,
Walnut Shade, Missouri,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

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

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

M.C.R. 7331

Muskogee, Indian Territory, May 8, 1905.

William M. Wood,
Walnutshade, Missouri,

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

No. 7331

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 24 1903

Name *William M. Wood.*

Age *26.* Blood *1/16*

Post Office *Walnut Shade, Mo.*

Father: *Henry Wood, L.*

Mother: *Adalida " L.*

Claims through *father.*

Children:

(Claims for self alone)

Stenographer

[Signature]

OR IDENTIFICATION AS

MISSISSIPPI CHOCTAW,

R. 7331

William M. Wood

DECISION RENDERED

JUN 15 1904

REFUSED

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEYS
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT,
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR,

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

RECORDED IN M. C. R. 6255

Choctaw MCR 7332

John Lewis

MCR 7332

MISS.-CHOCTAW
Identification

R-7332

John Lewis etal

Identified

Decision Rendered Oct. 23, 1903

Copy of Decision Forwarded Applicant
Oct. 23, 1903

Copy of Decision Forwarded Attorneys
for Choctaw and Chickasaw Nations
Oct. 23, 1903

R-7332

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

---o---

In the matter of the application of John Lewis, et al.,
for identification as Mississippi Choctaws, M.C.R.7332.

--: I N D E X :--

	(Page)
Original applicati on of John Lewis, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	1
Decision of the Commission identifying said ap- plicants as Mississippi Choctaws-----	4

--o--

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

7332

In the matter of the application of John Lewis for the identification of himself and his three minor children, Lucy, Dan and Jim Lewis, as Mississippi Chectaws.

John Lewis being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Lewis.
Q How old are you? A Sixty.
Q What is your post office address? A Ravia, I.T.
Q How long have you lived in the Indian Territory? A Only one month.
Q Where did you live before that? A Mississippi.
Q Were you born in Mississippi? A In Jasper County.
Q Lived there all your life until you came to the Indian Territory?
A Yes.
Q What is your father's name? A Tom Lewis.
Q Is he living? A No.
Q What is your mother's name? A Eliza.
Q Is she living? A No.
Q Was your father a full blood? A Yes.
Q Was your mother a full blood? A Yes.
Q You claim to be full blood? A Yes.
Q You claim through both your parents? A Yes.
Q Did your father have an Indian name? A No.
Q Did your mother? A No.
Q Do you know the name of your father's father or mother or your mother's father or mother? A My mother's mother was Hannah.
Q Was she a full blood? A Yes.
Q Are you married? A No? Yes.
Q What is your wife's name? A Mary.
Q Is she dead? A Yes.
Q Was she full blood? A Yes.
Q When were you married to her? A Don't know.
Q It has been a long time ago, has it? A Yes.
Q Were you married under a Chectaw license? A Yes.
Q Get any children? A Three.
Q What are their names and ages? A Lucy, 8; Dan, 7; Jim, 5.
Q Mary Lewis is the mother of these children? A Yes.
Q Yes are the father? A Yes.
Q These children claim their Chectaw blood through you and your wife? A Yes.

- Q Was your wife a full blood? A Yes.
Q What was your wife's father's name? A Jackson.
Q Is he living? A Yes.
Q Did he have an Indian name? A No.
Q What was your wife's mother's name? A I don't know; I forget.
Q Is she living? A No; dead long ago.
Q Was she a full blood? A Yes.
Q All of your Choctaw ancestors and and ancestors of your wife, Mary, who is now dead, have always been full blood Choctaw Indians? A Yes.
Q This application is for yourself and three children? A Yes.
Q Have you ever made application prior to this time for citizenship or enrollment in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No.
Q This is the first application you have ever made? A Yes.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation under article fourteen of the treaty of 1830? A Yes.
Q Understand that article? A Yes.

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

- Q Did any of your Choctaw ancestors or the ancestors of your wife ever receive any lands in Mississippi from the Government? A No.
Q Did any of your Choctaw ancestors ever receive any scrip from the Government under the act of Congress of August 23, 1842? A No.

The act provided that if a Choctaw complied with the provisions of article 14 of the treaty of 1830 by going to the Indian agent and signifying to him that he wished to take land there and comply with the provisions of that article, and if his land had been sold he should then be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana and should be given scrip to that effect.

- Q You don't know if any of your ancestors or your wife's ever received any such scrip from the Government? A No.
Q But your ancestors and your wife's have all been full bloods?
A Yes.
Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors ever went to Col. Ward and told him that they wanted to stay in Mississippi and become citizens of the States? A I don't know.
Q Do you speak Choctaw? A Yes.

This applicant has the appearance and characteristics of a full blood Chactaw Indian; he speaks and understand the Chactaw language; has no knowledge of the compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

R.B.Eisenberg being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had above on the 24th day of March, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of July 1903.

Charles H. Sawyer

Notary Public.

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

--o--

In the matter of the application of John Lewis, et al., for identification as Mississippi Choctaws, M.C.R. 7332.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 24th, 1903, by John Lewis for himself and his three minor children, Lucy, Dan and Jim Lewis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

Section forty-one of the act of Congress entitled "An act

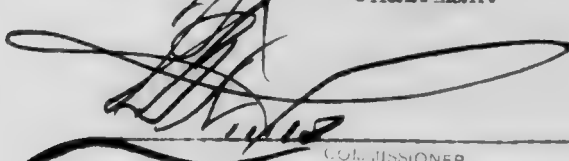
to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

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

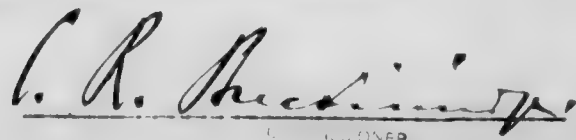
It is, therefore, the opinion of this Commission that John Lewis, Lucy Lewis, Dan Lewis and Jim Lewis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


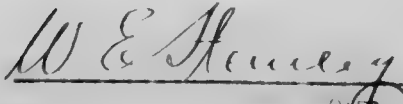
COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory,

OCT 23 1903



COMMISSIONER.

Maskogee, Indian Territory, May 27, 1903.

John Lewis,
Ravia, Indian Territory.

Dear Sir:

~~Receipt is hereby acknowledged of your letter of the 25th~~
instant, in which you state "In reply to your letter of the 11th
will say that I am from Mississippi and sixty years old, and have
three minor children, Lucy 8 years old Dan 7 years old & Jim 5
years of age. Please send my papers at once."

In reply you are informed that the above information has
enabled us to identify you upon our records as having made appli-
cation to this Commission for the identification of yourself and
minor children as Mississippi Choctaws.

Up to the present time the Commission has not rendered
any decision relative to your right to such identification. As
soon as a decision is rendered you will be duly notified of the
action of the Commission.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 7332.

Muskogee, Indian Territory, October 23, 1903.

John Lewis,

Nowa, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 23, 1903, identifying yourself and three minor children, Lucy Lewis, Dan Lewis and Jim Lewis, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before April 23, 1904, you will have six months from that date, or until October 23, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.
Enc.: 7332.

K.C.R. 7332.

COPY.

Muskogee, Indian Territory, October 23, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 23, 1903, identifying John Lewis and his three minor children, Lucy Lewis, Dan Lewis and Jim Lewis, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Lewis and three children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,
SIGNED.

T. P. Needles.
Commissioner in Charge.

Registered.
No.: 7332.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Name ^{write} John Lewis

Age 60. Blood full

Post Office, Ravia, I. T.

Father: Tom Lewis full D.

Mother: Eliza " full D.

Claims through both parents
wife Mary Lewis full Dead

Father Jackson fl. L.

Mother Dan know fl. D.

Children:

Lucy Lewis	8.
Dan "	7.
Jim "	5.

(Claims for self & 3 children)

Stenographer

R. B. Eisenberg

Choctaw MCR 7333

Annie E. Harper

MCR 7333

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. March 24, 1903.

7533

In the matter of the application of Annie E. Harper for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Annie E. Harper being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie E. Harper.
Q What is your age? A Twenty one.
Q What is your post office address? A Lerena, Texas.
Q How long have you lived there? A All my life.
Q Were you born there? A Yes sir.
Q What is your father's name? A Marion T.
Q Is he living? A I don't know.
Q What is your mother's name? A Louisa.
Q Is she living? A Yes sir.
Q Have your father and mother separated? A Yes sir.
Q Through which one do you claim? A My father.
Q How much Choctaw blood do you claim? A An eighth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q Were your father and mother legally married? A Yes sir.
Q Where? A Waco, Texas.
Q Married under a license? A Yes sir.
Q Have you any evidence of their marriage with you at this time?
A No.

It will be necessary that you furnish such evidence in support of your application for identification.

- Q Through which one of his parents did your father claim his Choctaw blood? A His father, Samuel Harper.
Q What was your father's mother's name? A Mary Ann.
Q She claimed no Choctaw blood? A No.
Q Through which one of his parents did Samuel claim? A His father, Charles Harper.
Q Are you able to trace your ancestry any farther back than Charles Harper? A No.
Q How much Choctaw blood did he have? A A half.
Q Are you sure that Charles Harper was a half? A Yes; I have heard the people say he was.
Q Have you any evidence of the marriage of Samuel Harper and his wife, with you? A No.

It will be necessary that you furnish that evidence in support of this application.

- Q How old is your father at this time if he is living? A I don't know.
- Q Is your grandfather, Samuel living? A No.
- Q Do you know how old he would be if living? A No.
- Q Are you married? A No.
- Q This application is for yourself alone? A Yes.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities to be admitted to membership in that tribe? A No.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provision of the act of Congress of June 10, 1896? A No.
- Q Is this the first application of any description for citizenship or enrollment ever made for or by you? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes.
- Q Understand that article? A Yes.

Article 14 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States for five years after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim such right? A Charles Harper.
- Q Was Charles Harper living in the old Choctaw Nation in Mississippi or Alabama when the treaty of 1830 was made? A I don't know.
- Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I can't say.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the Indian agent in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government?

A Not as I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Indians who might desire to remain, take land there and become citizens of the States; the records of the Government show that this agent failed to register and report the names of a great many Choctaw Indians who did so signify and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under the article were sold by the Government at its Public Land sale and the Indians deprived of their land; this caused many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts approved March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions and claim rights under article 14 of the treaty of 1830? A Not as I knew of.

The act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with the provisions of article 14 but that his land had been sold by the Government he should be entitled to select land elsewhere in Mississippi, Alabama, Louisiana or East 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 ever receive any such scrip from the Government? A Not as I know of.

Q So far as you knew were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No.

Q Did they ever receive any benefits as such? A No.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to present? A No.

Q Do you desire time in which to present further evidence? A Yes sir

thirty days time will be allowed for that purpose.

Q Do you speak Choctaw? A No sir.

Examination by Mr. Harrison:

Q Are you acquainted with James H. Harper? A Yes sir.

Q Is he an applicant for identification before the Commission?

A I suppose so.

Q What kin are you to him? A He is the uncle of my father's brother.

(Statement by attorney: We would like to have her case considered with that of James H. Harper.)

Q Did you ever hear from your family and through your family history and tradition that Charles Harper was a full blood? A I don't know.

Q He might have been a full blood and you not aware of the fact--- could he not have been and you not know it? A Yes.

Q Now, you don't undertake to say that he was not a full blood, but you have been told that he was a half breed? A Yes sir.

Q That's all.

By the Commission:

This applicant has the appearance of being a white person; shows no indications of being possessed of Indian blood; light complexion, blue eyes, light brown hair; has no knowledge of the compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

R.B. Eisenberg being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of July, 1903.

Charles W. Sawyer
Notary Public.

M.C.R. 7118
• 7266
• 7333

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,
Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage certificate between J.C. Harper and Mary Prince, offered in support of the application made by John Clifton Harper for identification as a Mississippi Choctaw; certified copy of marriage record between M.T. Harper and Louisa A. Harper, offered in support of the application made by Annie E. Harper for identification as a Mississippi Choctaw and affidavits of Nancy E. Harper and Tenia Shore, offered in support of the application made by Edward J. Harper for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

M.C.R. 7333.

Muskogee, Indian Territory, November 6, 1903.

Annie B. Harper,

Lorena, Texas,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Annie E. Harper that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, 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,

Commissioner in Charge.

M C R 7333

Muskogee, Indian Territory, March 19, 1904.

Annie E. Harper,
Lorena, Texas.

Dear Madam:

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 your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, 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 to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.7333.

Muskogee, Indian Territory, June 26, 1905.

Annie E. Harper,
Lorena, Texas.

Dear Madam:

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 19th day of March, 1904.

Respectfully,

Chairman.

No.

7333

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 24 1903

Date

Name

Annie E. Harper

Age

21

Blood

$\frac{1}{8}$

Post Office,

Lorena Texas.

Father:

Marion J. Harper.

Mother:

Louisa " L

Claims through

father

~~Children:~~

(Claims for self alone)

Stenographer

R. B. Leisenberg

MISSISSIPPI CHOCTAW

Annie C. Harper

DECISION RENDERED.

MAR 1904

COPY OF DECISION FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

MAR 1905

NOTICE OF DEPARTMENT ACTION MAILED APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENT ACTION FORWARDED APPLICANT

MAY 1905

NOTICE OF DEPARTMENT ACTION FORWARDED ATTORNEYS AND CHICKASAW NATIONS

MAY 1905

REFER TO M. C. R. 5370

END

OF

ROLL